

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**  
**CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES**

(Authority: A.R.S. § 41-2065(A)(4) et seq.)

**Editor's Note:** Because the exempt rules in this Chapter were adopted as permanent rules (Supp. 98-3), the Chapter is printed on white paper (99-3).

**Editor's Note:** Sections of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules. Because these rules are exempt from the regular rulemaking process, the Chapter is printed on blue paper (Supp. 97-3).

**Editor's Note:** When recodified (Supp. 95-1), not all of the former rule citations were revised to reference the new Title and Chapter. Citations referencing the former title (A.A.C. Title 4, Chapter 31) have been corrected to 20 A.A.C. 2 throughout these rules. For specific revisions, refer to the Section historical notes (Supp. 97-2).

20 A.A.C. 2, consisting of R20-2-101 through R20-2-117, R20-2-201 through R20-2-205, R20-3-301 through R20-3-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604, R20-2-701 through R20-2-721, R20-2-801 through R20-2-812, and R20-2-901 through R20-2-909, recodified from 4 A.A.C. 31, consisting of R4-31-101 through R4-31-117, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604, R4-31-701 through R4-31-721, R4-31-801 through R4-31-812, and R4-31-901 through R4-31-909 pursuant to R1-1-102 (Supp. 95-1).

Laws 1987, Ch. 314, § 3, changed the heading from State Administration of Weights and Measures to the Department of Weights and Measures effective August 18, 1987.

Laws 1983, Ch. 98, 199, changed the heading from State Weights and Measures Division to State Administration of Weights and Measures; 202, transferred authority for administration to the Director of Administration effective July 27, 1983.

Article 1 consisting of Sections R4-31-101 through R4-31-113, Article 2 consisting of Sections R4-31-201 through R4-31-205, Article 3 consisting of Sections R4-31-301 through R4-31-313, Article 4 consisting of Sections R4-31-401 through R4-31-412, Article 5 consisting of Sections R4-31-501 through R4-31-505, Article 6 consisting of Sections R4-31-601 through R4-31-604 adopted effective July 27, 1983.

Former Sections R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 adopted again with conforming changes. R20-2-101 through R20-2-113, R20-2-201 through R20-2-205, R20-2-301 through R20-2-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604 recodified from R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 (Supp. 95-1).

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*Sections R4-31-204 and R4-31-205 renumbered without change as Sections R4-31-701, R4-31-703 through R4-31-716, and R4-31-718 through R4-31-721 (Supp. 89-1).*

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*Article 8, consisting of Sections R20-2-801 through R20-2-812, repealed effective October 8, 1998 (Supp. 98-4).*

#### **ARTICLE 9. GASOLINE VAPOR CONTROL**

*R20-2-901 through R20-2-910 recodified from R4-31-901 through R4-31-910 (Supp. 95-1).*

*Article 9, consisting of Sections R4-31-901 through R4-31-910, adopted permanently effective August 31, 1993 (Supp. 93-3).*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective June 1, 1993, pursuant to A.R.S. § 41-1026 (Supp. 93-2).*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective February 22, 1993, pursuant to A.R.S. § 41-1026 (Supp. 93-1). Emergency expired.*

*Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted by emergency action effective November 23, 1992, pursuant to A.R.S. § 41-1026 (Supp. 92-4).*

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## ARTICLE 1. ADMINISTRATION AND PROCEDURES

### R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Administrative order" means a DWM-53.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.
6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "Completion of construction" means the point when a gasoline dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
9. "Construction commenced" means the point in time when construction of a gasoline dispensing site begins:
  - a. At a location where there was not 1 previously;
  - b. To replace all gasoline storage tanks; or
  - c. To replace, repair, or modify at least 75% of the facility's gasoline dispensing equipment.
10. "DWM-53" means a Department form that orders the stop-sale, stop-use, hold, or removal of commodities, devices, vapor recovery systems and components, and liquid fuels.
11. "EPA" means the United States Environmental Protection Agency.
12. "Gasoline vapors" means volatile organic compounds in a gaseous state.
13. "Handbook 44" means the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1999 edition), incorporated by reference and on file with the Department and the Secretary of State. The incorporation by reference contains no future editions or amendments.
14. "Handbook 130" means the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 130, *Uniform Laws and Regulations*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1999 edition), incorporated by reference and on file with the Department and the Secretary of State. This incorporation by reference contains no future editions or amendments.
15. "Handbook 133" means the United States Department of Commerce Technology Administration:
  - a. National Bureau of Standards (NBS) Handbook 133, 3rd edition, entitled *Checking the Net Contents of Packaged Goods*, including supplements 1, 2, and 3 issued September 1988; and
  - b. National Institute of Standards and Technology (NIST) Handbook 133, 3rd edition, entitled *Checking The Net Contents of Packaged Goods*, including supplement 4 issued October 1994.
  - c. These publications are incorporated by reference, are on file with the Secretary of State, and are published by the Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.
16. "Hold order" means a Department administrative order requiring an owner, operator, distributor, manufacturer, licensee, or consignee to keep any commercial device, commodity, or liquid fuel, under its control and stored at its expense, pending further Department action, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
18. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system, but does not include the repair or replacement of like parts.
19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during 1 calendar month.
20. "Motor vehicle" means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
21. "NIST" means the National Institute of Standards and Technology.
22. "Off sale" means that a commodity has been removed from commercial sale.
23. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
24. "Out-of-service tag" means a red rejection tag that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules, and that the owner or operator shall not use the device commercially until repaired.
25. "Placed-in-service" means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
26. "Placed-In-Service Report" means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
27. "Product transfer document" means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.
28. "Removal order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to remove from use or sale, and dispose of a commercial device, commodity, liquid fuel, or vapor recovery component because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.

29. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
30. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
31. "Seizure" means taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, commercial device, or component of a device by the Department.
32. "Stop-sale order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to stop selling a commodity or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
33. "Stop-sale, stop-use tag" means a blue tag that signifies that an owner or operator shall not sell or use a commercial device, including a vapor recovery system component, commodity, or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
34. "Stop-use order" means a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to prohibit the use of any commercial device, commodity, liquid fuel, or vapor recovery system, including any of its components, until the weight, measure, fuel, or vapor recovery system complies with the requirements of A.R.S. Title 41, Chapter 15, and these rules.
35. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
36. "Unit" means a quantity adopted as a standard of measurement.
37. "Unlicensed-device tag" means an orange tag that signifies that an owner or operator shall not use the commercial device until all licensing requirements of A.R.S. Title 41, Chapter 15, and these rules are met.
38. "Warning tag" means a yellow tag that signifies a commercial device does not comply with the requirements of A.R.S. Title 41, Chapter 15, or these rules, and the device may only be used within the period specified on the tag for repair, but not thereafter unless the device is in compliance with A.R.S. Title 41, Chapter 15, and these rules.
39. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-2). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-101 recodified from R4-31-101 (Supp. 95-1). Citations referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2).

Amended effective October 8, 1998 (Supp. 98-4).  
Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-102. Metrology Laboratory Testing and Calibration Fees

- A. The Department shall charge \$40.00 an hour, with a minimum charge of \$24.00, for work performed by the Department's Metrology Laboratory.
- B. In addition to the charges in subsection (A), the Department shall charge for travel and per diem at the rates established by A.R.S. §§ 38-623(D) and 38-624(C) for tests or calibrations conducted outside the Metrology Laboratory.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding a new subsection (A) and renumbering accordingly effective February 3, 1989 (Supp. 89-1). Amended subsection (A) effective May 3, 1989 (Supp. 89-2). Amended and subsection (D) renumbered to R4-31-117 effective June 14, 1990 (Supp. 90-2). Amended effective July 3, 1991 (Supp. 91-3). Amended effective April 22, 1992 (Supp. 92-2). R20-2-102 recodified from R4-31-102 (Supp. 95-1). Section repealed; new Section R20-2-102 renumbered from R20-2-105 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-103. Certification Fees

The fee for testing and certification of noncommercial devices and portable batch plant devices shall be the same as the fee for licensing commercial devices listed in A.R.S. § 41-2092.

#### Historical Note

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-117 effective May 31, 1991 (Supp. 91-2). R20-2-103 recodified from R4-31-103 (Supp. 95-1). Section repealed; new Section R20-2-103 renumbered from R20-2-106 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-104. Administrative Enforcement Action Regarding Commercial Devices

- A. Warning tag.
  1. The Department shall attach a warning tag to a commercial device if the device:
    - a. Does not comply with the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, or these rules; and
    - b. Use of the device may harm the public.
  2. The tag shall be affixed to the device in public view.
  3. The tag shall contain the following information:
    - a. A notice that the device has been examined by the Department and has failed to comply with A.R.S. Title 41, Chapter 15, Handbook 44, or these rules;
    - b. The name of the business, location, and fee code;
    - c. A notice that it is unlawful to remove the tag;
    - d. The date;
    - e. A notice of the time allowed for repair; and
    - f. A notice that if the device is not repaired within the time allowed, it shall be placed out of service by the Department.
  4. A person shall not remove a warning tag without authorization from the Department.
- B. Out-of-service tag.
  1. The Department shall attach an out-of-service tag to a commercial device if the device:
    - a. Does not comply with A.R.S. Title 41, Chapter 15, Handbook 44, or these rules;

- b. Use of the device may harm the public; or
  - c. The device has not been repaired as required in subsection (A).
2. The tag shall be affixed to the device in public view.
  3. The tag shall contain the following information:
    - a. A notice that the device has been examined by the Department and has failed to comply with A.R.S. Title 41, Chapter 15, Handbook 44, or these rules;
    - b. A notice that a person shall not use the device until repaired;
    - c. The name of the business, location, and fee code;
    - d. A notice that it is unlawful to remove the tag;
    - e. The date; and
    - f. A notice that failure to repair the device may subject it to seizure.
  4. A person shall not remove an out-of-service tag without authorization from the Department.

**C. Unlicensed-device tag.**

1. The Department shall attach an unlicensed-device tag to a commercial device if a valid license has not been procured for the device.
2. The tag shall be affixed to the device in public view.
3. The tag shall contain the following information:
  - a. A notice that the device is unlicensed, and
  - b. A notice that a person shall not use the device for commercial purposes.
4. A person shall not remove an unlicensed-device tag without authorization from the Department.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective May 31, 1991 (Supp. 91-2). R20-2-104 recodified from R4-31-104 (Supp. 95-1). New Section R20-2-104 renumbered from R20-2-108 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-105. Administrative Enforcement Action Regarding Short-Quantity Commodities**

- A.** The Department shall order the hold, stop-sale, stop-use, or removal of any commodity that is short of the quantity stated or improperly labeled by issuing a DWM-53 to the seller.
- B.** A stop-sale or stop-use tag shall be issued by the Department to those commodities for which the Department has issued a DWM-53.
  1. The tag shall be displayed in public view.
  2. The tag shall contain the following information:
    - a. A notice of the order;
    - b. A notice that a person shall not remove the tag or dispose of the commodity without authorization from the Department;
    - c. The location and identification of the commodity;
    - d. A description of the violation;
    - e. The name of the Department employee who affixed the tag; and
    - f. The date.
- C.** Any owner, wholesaler, or retailer shall not sell any commodity for which a DWM-53 has been issued without the Department's written authorization to:
  1. Separate the goods that are at or more than their represented quantity from the tagged lot and return those goods for sale.
  2. Sell the commodity provided it can be brought up to the represented quantity.
  3. Relabel the commodity at its actual quantity.
  4. Place a notice on the commodity of the violation and adjust the price accordingly.

- D.** The Department may provide written authorization of the disposition of a tagged commodity provided it does not conflict with A.R.S. Title 41, Chapter 15, or these rules.
- E.** Any disposition authorized by the Department shall be recorded on the DWM-53.

**Historical Note**

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from Section R4-31-114 effective May 31, 1991 (Supp. 91-2). Amended effective August 28, 1992 (Supp. 92-3). R20-2-105 recodified from R4-31-105 (Supp. 95-1). Section R20-2-105 renumbered to R20-2-102; new Section R20-2-105 renumbered from R20-2-109 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-106. Administrative Enforcement Action Regarding Liquid Fuels**

- A.** If the Department finds that a liquid fuel fails to meet the requirements of A.R.S. Title 41, Chapter 15, or these rules, the Department shall order the hold, stop-sale, or stop-use of the liquid fuel by issuing a DWM-53.
- B.** A stop-sale, stop-use tag may be affixed by the Department to a storage vessel containing the liquid fuel.
  1. The Department shall attach the tag to the storage tank fill cap and dispenser where the liquid fuel is stored and dispensed.
  2. The tag shall contain the following information:
    - a. A notice that the liquid fuel has been prohibited from sale or use;
    - b. A notice that the liquid fuel is not to be disposed of without written authorization from the Department;
    - c. The location and identification of the liquid fuel;
    - d. The brand name of the fuel;
    - e. The number of containers;
    - f. A description of the violation;
    - g. The name of the Department employee who affixed the tag; and
    - h. The date.
- C.** A person shall not sell or use liquid fuel that has been issued a DWM-53 except under the following circumstances:
  1. The Department may authorize the owner, wholesaler, or retailer to sell the liquid fuel provided it can be brought up to:
    - a. Represented quality and
    - b. Specifications in A.R.S. Title 41, Chapter 15, and these rules.
  2. The Department may provide written authorization of the disposition of liquid fuel issued a DWM-53 provided the disposition does not conflict with A.R.S. Title 41, Chapter 15, or these rules.
- D.** The Department shall record the disposition of a non-compliant commodity on the DWM-53. The Department may authorize liquid fuel for which a DWM-53 has been issued to be removed:
  1. To a facility capable of reblending or refining,
  2. To another area within the state if specifications of that area can be met, or
  3. Outside the state.

**Historical Note**

Former Section R4-31-106 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-115 effective May 31, 1991 (Supp. 91-2). R20-2-106 recodified from R4-31-106 (Supp. 95-1). Section R20-2-106 renumbered to R20-2-103; new Section R20-2-106 renumbered from R20-2-110 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-107. Administrative Enforcement Action Regarding Vapor Recovery Systems****A. Stop-Sale, Stop-Use Tag**

1. If the Department finds that a vapor recovery system or any component fails to meet the requirements set forth in A.R.S. Title 41, Chapter 15, or these rules, the Department shall order the stop-sale, stop-use of the vapor recovery system by issuing a DWM-53.
2. A stop-sale, stop-use tag may be affixed by the Department to a vapor recovery system.
  - a. The Department shall attach the tag to the noncompliant component in public view.
  - b. The tag shall contain the following information:
    - i. A notice that the vapor recovery system has been prohibited from use.
    - ii. The location and identification of the vapor recovery system.
    - iii. A notice that it is unlawful to remove the tag without Department authorization.
    - iv. A description of the violation.
    - v. The name of the Department employee who affixed the tag.
    - vi. The date.
3. A person shall not use a vapor recovery system issued a DWM-53 to dispense liquid fuel for commercial purposes.

**B. Warning Tag.**

1. The Department shall attach a warning tag to a vapor recovery system or any of its components if the system or components:
  - a. Do not comply with the requirements of A.R.S. Title 41, Chapter 15, CARB certifications that apply to the system, or these rules; and
  - b. The use of the vapor recovery system will not harm the public.
2. The Department shall affix the tag to the noncompliant component in public view.
3. The tag shall contain the following information:
  - a. Notice that the Department has examined the system and the system fails to comply with Title 41, Chapter 15, CARB certifications that apply to the system, or these rules;
  - b. The name of the business and location;
  - c. A notice that it is unlawful to remove the tag without Department authorization;
  - d. The date;
  - e. A notice of the time allowed for the repair; and
  - f. A notice that if the system is not repaired within the required time, the Department shall issue a stop-sale, stop-use tag.

**Historical Note**

Former Section R4-31-107 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-116 effective May 31, 1991 (Supp. 91-2). Amended by emergency action effective June 1, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired. Emergency amendments adopted again effective October 14, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Emergency expired. Emergency amendments adopted again with changes effective January 19, 1994, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 94-1). Emergency amendments permanently adopted with changes effective April 4, 1994 (Supp. 94-2). R20-2-107 recodified from R4-31-107 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

**R20-2-108. Time-frames for Licenses, Renewals, and Authorities to Construct**

- A.** For each type of license, renewal, or authority issued by the Department, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B.** For each type of license, renewal, or authority issued by the Department, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Department receives an application.
  1. If the application is not administratively complete, the Department shall send a deficiency notice to the applicant.
    - a. The deficiency notice shall state each deficiency and the information needed to complete the application.
    - b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Department the missing information specified in the deficiency notice. The time-frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the missing information.
    - c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Department shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn. An applicant who desires to reapply shall begin the application process anew.
  2. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.
- C.** For each type of license, renewal, or authority issued by the Department, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Department sends written notice of administrative completeness to the applicant.
  1. During the substantive review time-frame, the Department may make 1 comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Department to finish the substantive review is suspended from the date the Department mails the request until the Department receives the information.
  2. If the applicant does not submit the requested additional information within the time-frame in Table 1, the Department shall issue a written notice informing the applicant that the application is deemed withdrawn. The applicant may request in writing that the Department deny the application within 15 days of the date of the notice of withdrawal. An applicant who desires to reapply shall begin the application process anew.
  3. The Department shall issue a written notice of denial of license, renewal, or authority if the Department determines that the applicant does not meet all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority. The notice of denial shall include:
    - a. Reasons for the denial, with citations to the statutes or rules on which the denial is based; and
    - b. The name and telephone number of a Department employee who can answer questions regarding the application process.

4. If the applicant meets all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority the Department shall issue the license, renewal, or authority to the applicant.
- D. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the postmark date.
- E. In computing any time period prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays and holidays.
- F. An applicant whose license, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing, and if the denial is upheld, judicial review pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). R20-2-108 recodified from R4-31-108 (Supp. 95-1). R20-2-108 renumbered to R20-2-104; new Section R20-2-108 adopted effective October 8, 1998 (Supp. 98-4).

#### R20-2-109. Administrative Hearing Procedures

A.R.S. Title 41, Chapter 6, Articles 6 and 10 apply to the Department's hearings.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-109 recodified from R4-31-109 (Supp. 95-1). Citation referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-109 renumbered to R20-2-105; new Section adopted effective October 8, 1998 (Supp. 98-4).

#### R20-2-110. Motion for Rehearing or Review

- A. Except as provided in subsection (G), any party in a contested case or appealable agency action before the Department who is aggrieved by a decision rendered in the case may file with the Department, a written motion for rehearing or review of the decision, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the particular grounds for the motion.
- B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Department. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Department may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. A rehearing or review of the decision may only be granted for any of the following reasons materially affecting the moving party's rights or ability to receive a fair hearing:

1. Any irregularity in the hearing, order, or abuse of discretion by the administrative law judge or the Department.
  2. Misconduct of the Department, the administrative law judge, or the prevailing party.
  3. Accident or surprise that could not have been prevented by ordinary prudence.
  4. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the original hearing.
  5. Excessive or insufficient penalties.
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing.
  7. That the decision is not justified by the evidence or is contrary to law.
- D. The Department may affirm or modify its decision, or grant a rehearing or review. After giving the parties or their counsel notice and an opportunity to be heard, the Department may grant a rehearing or review for a reason not stated in a party's motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted. The rehearing or review shall cover only those matters so specified.
  - E. The Department, within the time for filing a motion for rehearing or review under this rule, may order a rehearing or review for any of the reasons set forth in subsection (C), after giving the parties notice and an opportunity to be heard.
  - F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party shall have 10 days from the date of service to serve opposing affidavits. The Department may extend the period to respond for good cause shown up to 20 days, or by written stipulation of the parties. If the Department permits reply affidavits, they shall be served within 5 days.
  - G. If the Department makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Department may issue the decision as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Department's final decision.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-110 recodified from R4-31-110 (Supp. 95-1). Citations referencing former rules in A.A.C. Title 4, Chapter 31, corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-110 renumbered from R20-2-113 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-111. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Section R4-31-111 repealed, new Section R4-31-111 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-111 repealed, new Section R4-31-111 adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-111 recodified from R4-31-111 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-112. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted effective June 22, 1992 (Supp. 92-2). R20-2-112 recodified from R4-31-112 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-113. Renumbered****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again

from R4-31-112 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Emergency expired. Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 effective June 22, 1992 (Supp. 92-2). R20-2-113 recodified from R4-31-113 (Supp. 95-1). Section R20-2-113 renumbered to R20-2-110 effective October 8, 1998 (Supp. 98-4).

**R20-2-114. Repealed****Historical Note**

Adopted effective April 10, 1984 (Supp. 84-2). Amended effective April 19, 1989 (Supp. 89-2). Renumbered to Section R4-31-105 effective May 31, 1991 (Supp. 91-2). Section R4-31-114 renumbered from R4-31-113 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-114 renumbered from R4-31-113 effective June 22, 1992 (Supp. 92-2). R20-2-114 recodified from R4-31-114 (Supp. 95-1). R20-2-114 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-115. Renumbered****Historical Note**

Adopted effective April 10, 1984 (Supp. 84-2). Renumbered to R4-31-106 effective May 31, 1991 (Supp. 91-2). R20-2-115 recodified from R4-31-115 (Supp. 95-1).

**R20-2-116. Renumbered****Historical Note**

Adopted effective March 14, 1988 (Supp. 88-1). Renumbered to R4-31-107 effective May 31, 1991 (Supp. 91-2). R20-2-116 recodified from R4-31-116 (Supp. 95-1).

**R20-2-117. Renumbered****Historical Note**

Renumbered from R4-31-102(D) and amended effective June 14, 1990 (Supp. 90-2). Former Section R4-31-117 renumbered to R4-31-103 effective May 31, 1991 (Supp. 91-2). R20-2-117 recodified from R4-31-117 (Supp. 95-1).



**Table 1. Time-frames (in days)**

Type of License	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information	Overall Time-frame
Commercial Device R20-2-201	10	20	30	20	40
Public Weighmaster R20-2-501	10	20	30	20	40
Registered Service Agency/Representative R20-2-601	10	20	30	20	40
Authority to Construct R20-2-904	10	20	30	20	40

**Historical Note**

Table 1 adopted effective October 8, 1998 (Supp. 98-4).

**ARTICLE 2. COMMERCIAL DEVICES****R20-2-201. Licensing Process**

An owner of a device may apply for a license on a form supplied by the Department. The application form may require:

1. The applicant's name, address, and telephone number;
2. The name, address, and telephone number of the location where the device will be operated;
3. The device description; and
4. The applicant's signature.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-201 recodified from R4-31-201 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Subsection labeling corrected to conform to Secretary of State format requirements (Supp. 01-1).

**R20-2-202. Handbook 44**

As required by A.R.S. § 41-2064, all commercial devices shall comply with the specifications, tolerances, and other technical requirements set forth in Handbook 44, except as otherwise stated in these rules.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-202 recodified from R4-31-202 (Supp. 95-1). R20-2-202 renumbered to R20-2-203; new Section R20-2-202 adopted effective October 8, 1998 (Supp. 98-4).

**R20-2-203. Approval, Installation, and Sale of Devices**

- A. All commercial devices installed after January 1, 1975, shall be prototype-approved by NIST. All devices installed before January 1, 1975, are exempt from NIST prototype approval.
- B. The owner of a device installed for commercial purposes shall report its use to the Department within 7 days of its use.
- C. The seller of any device that has been remanufactured for the purpose of commercial sale shall not sell the device unless it is marked as having been remanufactured.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-203 recodified from R4-31-203 (Supp. 95-1). Section R20-2-203 renumbered to R20-2-204; new Section R20-2-203 renumbered from R20-2-202 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-204. Livestock and Vehicle Scale Installation**

- A. Portable livestock and portable vehicle scales shall be designed to be moveable from 1 location to another.
- B. Portable scales and low-profile electronic scales shall be accessible for maintenance.
- C. Notwithstanding Handbook 44, vehicle and livestock scales installed above ground shall have 2 feet minimum clearance from the bottom of the lowest platform support girder to the ground.
- D. Notwithstanding Handbook 44, vehicle and livestock scales, installed with a pit, shall have 2 feet minimum clearance from the bottom of the main girder that is lowest in platform support to the pit floor.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding Subsections (C) through (J) effective April 10, 1984 (Supp. 84-2). Amended Subsection (H) and added a new Subsection (K) effective April 22, 1988 (Supp. 88-2). Former Section R4-31-204 renumbered without change as Sections R4-31-701 and R4-31-703 through R4-31-717 (Supp. 89-1). R20-2-204 recodified from R4-31-204 (Supp. 95-1). R20-2-204 renumbered from R20-2-203 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-205. Renumbered****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended Subsection (B) effective April 10, 1984 (Supp. 84-2). Amended effective April 22, 1988 (Supp. 88-2). Correction: Paragraph 10. in Subsections (C) and (D) corrected to read: "0. 50 percent by weight..." as certified effective July 27, 1983 (Supp.88-3). Former Section R4-31-205 renumbered without change as Sections R4-31-701 and R4-31-718 through R4-32-721 (Supp. 89-1). R20-2-205 recodified from R4-31-205 (Supp. 95-1).

**ARTICLE 3. PACKAGING, LABELING, AND METHOD OF SALE****R20-2-301. Application**

- A. This Article shall apply to consumer and nonconsumer packages that are produced, kept, offered or exposed for sale.

**B.** This Article shall not apply to:

1. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined in Handbook 130;
2. Auxiliary containers or outer wrappings used to deliver packages of commodities to retail customers if the containers or wrappings bear no printed matter pertaining to any particular commodity;
3. Containers used for retail displays if the container itself is not intended to be sold;
4. Commodities offered for sale in variable weights and sizes, weighed or measured at the time of sale, if the method of sale is posted near the commodity being sold;
5. Open carriers and transparent wrappers used for containers if the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by Handbook 130; or
6. Inner wrappings not intended for sale to customers.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-301 recodified from R4-31-301 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

**R20-2-302. Handbook 130 and Handbook 133**

All packaging, labeling, and method of sale requirements shall follow Handbook 130, except as otherwise stated in these rules. Packaged commodities kept, offered, exposed for sale, sold, or in the process of delivery shall be weighed, measured, and inspected using sampling and testing procedures designated in Handbook 133, except as otherwise stated in these rules.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-302 recodified from R4-31-302 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

**R20-2-303. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-303 recodified from R4-31-303 (Supp. 95-1). R20-2-303 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-304. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-304 recodified from R4-31-304 (Supp. 95-1). R20-2-304 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-305. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-305 recodified from R4-31-305 (Supp. 95-1). R20-2-305 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-306. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-306 recodified from R4-31-306 (Supp. 95-1). R20-2-306 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-307. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-307

recodified from R4-31-307 (Supp. 95-1). R20-2-307 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-308. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-308 recodified from R4-31-308 (Supp. 95-1). R20-2-308 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-309. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-309 recodified from R4-31-309 (Supp. 95-1). R20-2-309 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-310. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-310 recodified from R4-31-310 (Supp. 95-1). R20-2-310 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-311. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-311 recodified from R4-31-311 (Supp. 95-1). R20-2-311 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-312. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-312 recodified from R4-31-312 (Supp. 95-1). R20-2-312 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-313. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). Amended effective August 24, 1992 (Supp. 92-3). R20-2-313 recodified from R4-31-313 (Supp. 95-1). R20-2-313 repealed effective October 8, 1998 (Supp. 98-4).

**ARTICLE 4. REPEALED****R20-2-401. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-401 recodified from R4-31-401 (Supp. 95-1). R20-2-401 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-402. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-402 recodified from R4-31-402 (Supp. 95-1). R20-2-402 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-403. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-403 recodified from R4-31-403 (Supp. 95-1). R20-2-403 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-404. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-404 recodified from R4-31-404 (Supp. 95-1). R20-2-404 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-405. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-405  
recodified from R4-31-405 (Supp. 95-1). R20-2-405  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-406. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-406  
recodified from R4-31-406 (Supp. 95-1). R20-2-406  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-407. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-407  
recodified from R4-31-407 (Supp. 95-1). R20-2-407  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-408. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-408  
recodified from R4-31-408 (Supp. 95-1). R20-2-408  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-409. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-409  
recodified from R4-31-409 (Supp. 95-1). R20-2-409  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-410. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-410  
recodified from R4-31-410 (Supp. 95-1). R20-2-410  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-411. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-411  
recodified from R4-31-411 (Supp. 95-1). R20-2-411  
recodified from R4-31-410 (Supp. 95-1). R20-2-411  
repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-412. Repealed****Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-412  
recodified from R4-31-412 (Supp. 95-1). R20-2-412  
recodified from R4-31-410 (Supp. 95-1). R20-2-412  
repealed effective October 8, 1998 (Supp. 98-4).

**ARTICLE 5. PUBLIC WEIGHMASTERS****R20-2-501. Qualifications; License and Renewal Application Process**

- A.** A public weighmaster shall have the following minimum qualifications:
1. Be a person at least 18 years old;
  2. Be able to operate a scale accurately; and
  3. Be able to execute weight certificates properly.
- B.** A deputy public weighmaster shall have the same minimum qualifications as a public weighmaster. A public weighmaster who designates a deputy public weighmaster shall notify the Department in writing within 5 days of designating a deputy. A deputy shall not perform the duties of a deputy public weighmaster until the deputy has passed the written weighmaster exam administered by the Department.

- C.** An individual meeting the qualifications for public weighmaster, as set forth in this Section, may apply for a license on a form supplied by the Department.

1. The application form may require:
  - a. The applicant's name, address, and telephone number;
  - b. A representation by the applicant that the applicant knows and understands all applicable weights and measures laws and rules;
  - c. The name, address, and telephone number for each location of the applicant's business;
  - d. The name, address, and telephone number of each of the applicant's public weighmaster locations;
  - e. The name of each deputy public weighmaster;
  - f. The name and address of the scale owner;
  - g. The scale description; and
  - h. The applicant's signature.
2. Applicants may be required to submit evidence of their qualifications and shall be examined regarding their competence or qualifications.

- D.** Before the Department issues any license or renewal of a public weighmaster license, the applicant shall pay any required fees and provide any information required by the Department in A.R.S. § Title 41, Chapter 15, or this Article.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-501  
recodified from R4-31-501 (Supp. 95-1). Section  
repealed; new Section adopted effective October 8, 1998  
(Supp. 98-4).

**R20-2-502. Duties**

A public weighmaster shall:

1. Be available at the scale location and responsible for its daily operation and maintenance, unless specifically exempted in writing by the Department;
2. Use scales according to applicable laws and rules; and
3. Be responsible for all acts performed by any deputy public weighmaster designated by the weighmaster.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-502  
recodified from R4-31-502 (Supp. 95-1). R20-2-502  
renumbered to R20-2-504; new Section R20-2-502  
adopted effective October 8, 1998 (Supp. 98-4).

**R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action**

- A.** The Department may deny a weighmaster license for any of the following reasons:
1. Providing false or misleading information;
  2. Failing to meet the requirements stated in this Article; or
  3. Any of the reasons stated in subsections (B)(1) through (9).
- B.** The Department may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Department has determined that the public weighmaster:
1. Does not have the ability to weigh accurately;
  2. Has not correctly made weight certificates;
  3. Has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter;
  4. Has falsified a weight certificate;
  5. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
  6. Has improperly used a weighmaster's seal of authority;
  7. Has presigned certificates for later use;
  8. Has issued a weight certificate on which changes or alterations were made; or

9. Has used a scale for public weighing that is not properly licensed.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-503 recodified from R4-31-503 (Supp. 95-1). R20-2-503 renumbered to R20-2-505; new Section R20-2-503 adopted effective October 8, 1998 (Supp. 98-4).

#### R20-2-504. Scales and Vehicle Weighing

- A. When making a weight determination, a public weighmaster shall use a weighing device that is suitable for the function.
- B. The public weighmaster shall not use a scale to weigh a load that exceeds the normal or rated capacity of the scale.
- C. The owner or user of a weighing device is responsible for the accuracy of the device used by a public weighmaster. The owner or user shall comply with Handbook 44.
- D. If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.
- E. The Department shall separately license and regulate each scale location.
- F. A weighmaster shall weigh any vehicle or combination of vehicles on a scale having a platform that fully accommodates the vehicle or combination of vehicles as 1 unit.
- G. If a combination of vehicles is divided into separate units to be weighed, each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-504 recodified from R4-31-504 (Supp. 95-1). R20-2-504 renumbered to R20-2-506; new Section R20-2-504 renumbered from R20-2-502 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-505. Weight Certificates

- A. In issuing a weight certificate, a public weighmaster shall enter only those weight values that the weighmaster or deputy weighmaster has accurately and personally determined.
- B. A public weighmaster shall not make any entries on a weight certificate issued by another person.
- C. By signing a weight certificate, a weighmaster or the weighmaster's deputy shall be responsible for the accuracy of all entries on the weight certificate.
- D. A weight certificate is valid only when properly signed and sealed by the issuing weighmaster or the weighmaster's deputy.
- E. If an error is made on a weight certificate, the weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a certificate.
- F. A weight certificate shall state:
  1. The date of issuance;
  2. The kind of property, produce, commodity, or article weighed;
  3. The name of the declared owner, agent, or consignee of the material weighed;
  4. The accurate weight of the material weighed and counted;
  5. The means by which the material is being transported at the time it is weighed;
  6. An identification number of the transporting unit, including a license number; and
  7. The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE." This is to certify that the following described merchandise was weighed and counted or measured by a public or deputy weighmaster, and when properly signed and sealed, shall

be prima facie evidence of the accuracy of the weight shown as prescribed by law".

- G. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of 1 year. A weighmaster also shall ensure that weight certificates are consecutively numbered and filed numerically. A weighmaster shall not use another filing system without Department approval.

#### Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-505 recodified from R4-31-505 (Supp. 95-1). R20-2-505 renumbered to R20-2-507; new Section R20-2-505 renumbered from R20-2-503 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-506. Seal of Authority

- A. A weighmaster shall obtain a seal for the certification of weight certificates at cost through the Department.
- B. The Department shall assign a number to a seal identifying the public weighmaster and the specific location for which the seal is issued.
- C. A seal is the property of the state. A weighmaster shall surrender a seal to the Department within 30 days after the weighmaster no longer operates as a licensed public weighmaster.
- D. A public weighmaster shall have 1 seal for use at each scale location.
- E. A seal shall be accessible to the weighmaster and authorized deputies during all business hours at the scale location for the timely and proper certification of weight certificates.
- F. A public weighmaster shall keep a seal of authority at each scale location and make it available for inspection by the Department during all business hours.

#### Historical Note

R20-2-506 renumbered from R20-2-504 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-507. Prohibited Acts

- A. A person shall not:
  1. Issue a certified weight certificate without being a licensed public weighmaster or a person properly authorized to act for a public weighmaster;
  2. Procure, print, or cause to be printed any public weighmaster weight certificate without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
  3. Possess unfilled or unused public weighmaster weight certificate forms without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
  4. Furnish or give false information to a weighmaster for use in the completion of a weight certificate;
  5. Present a certificate for payment falsified by the insertion of any weight, measure, or count not determined by the issuing weighmaster;
  6. Use without authorization the title "licensed public weighmaster" or any similar title;
  7. Represent oneself to be a public weighmaster without holding a license issued by the Department;
  8. Engage in public weighing without holding a valid license as a public weighmaster, or acting under the authority of a licensed public weighmaster;
  9. Use an unlicensed scale in the performance of public weighmaster duties; or
  10. Operate a scale for public weighing unless that person is licensed as a public weighmaster.

- B.** People engaged in the business of printing weight certificate forms, their representatives, and the Department are exempt from the prohibitions specified in subsections (A)(2) and (3).

**Historical Note**

R20-2-507 renumbered from R20-2-505 and amended effective October 8, 1998 (Supp. 98-4).

**ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES**

**R20-2-601. Qualifications; License and Renewal Application Process; and Reciprocal Agreements**

**A. Registered Service Agency**

1. The Department shall accept applications for licensure of an agency that provides evidence that:
  - a. The applicant's representatives have a thorough knowledge of all appropriate laws and this Chapter;
  - b. The applicant possesses the necessary standards and testing equipment to service commercial devices or that the applicant has access to the necessary standards and testing equipment belonging to another registered service agency and has written approval from that agency to use its standards and testing equipment; and
  - c. It will operate in accordance with appropriate laws and this Chapter.
2. The Department may require an applicant to:
  - a. Submit evidence or references concerning qualifications; and
  - b. Have at least 1 of its representatives pass a competency examination, before issuing a license.
3. The application forms for registered service agencies may require the following information:
  - a. Name, address, telephone, and facsimile numbers;
  - b. Previous and current license information from other states;
  - c. Types of devices serviced, repaired, or installed;
  - d. A list of all of the applicant's devices with corresponding serial or identification numbers;
  - e. Branch office information;
  - f. Names of service representatives and their experience with other agencies or states;
  - g. License and disciplinary history; and
  - h. Signatures of the applicant's agent or its representatives.

**B. Registered Service Representative**

1. The Department shall accept an application for licensure of a representative that provides evidence that:
  - a. The applicant has a thorough knowledge of all appropriate laws and this Chapter;
  - b. The applicant possesses the necessary training or experience regarding appropriate standards and testing equipment to service commercial devices; and
  - c. The applicant will operate in accordance with appropriate laws and this Chapter.
2. The Department may require an applicant to submit evidence or references concerning qualifications.
3. The applicant shall pass a competency examination before being issued a license.
4. The application forms for registered service representatives may require the following information:
  - a. Name, address, telephone, and facsimile numbers;
  - b. Previous and current license information from other states;
  - c. Types of devices serviced, repaired, or installed;
  - d. Experience with other agencies or states;
  - e. License and disciplinary history; and

f. Signature.

- C.** The Department shall accept the certification of standards and testing equipment from any state that has standards traceable to NIST, unless the Department finds that a laboratory's standards or testing equipment are not traceable to NIST.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-601 recodified from R4-31-601 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4).

**R20-2-602. Duties**

**A. Registered Service Agency**

1. A registered service agency shall maintain all equipment in accordance with standards traceable to NIST.
2. When using a "placed-in-service report", a registered service agency shall use a form prescribed by the Department.
  - a. A registered service agency shall fill out a placed-in-service report in triplicate.
  - b. Within 7 days after a device is restored to or placed-in-service, a registered service agency shall mail the original of the properly completed and signed placed-in-service report to the Department.
  - c. A registered service agency shall give a duplicate copy of the report to the owner or operator of the device.
  - d. A registered service agency shall retain a triplicate copy of the report.
  - e. A registered service agency shall assure that the placed-in-service report contains the assigned license number of the registered service representative who completed the report.
  - f. A registered service agency shall ensure that the placed-in-service report is completed and signed by the registered service representative noting each rejected device restored to service and each newly installed device placed-in-service.
  - g. A registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each standard used by the representative to calibrate the device for each rejected device restored to service and for each newly installed device placed in service.
4. A registered service agency shall have all equipment certified annually.
5. A registered service agency shall not use new equipment until it is certified by a NIST traceable laboratory. A registered service agency shall report any newly acquired equipment or changes in certified equipment to the Department within 10 days of the acquisition or change.
6. A registered service agency shall assure that no employees perform registered service representative duties before being licensed.

**B. Registered Service Representative**

1. A registered service representative shall use standards traceable to NIST.
2. A registered service representative who calibrates any metering device shall use a certified prover to run a 1-minute, uninterrupted, normal test draft, with the following capacity:
  - a. Wholesale devices - 50 gallons.
  - b. Retail motor fuel meters - 5 gallons.
3. A registered service representative shall also:
  - a. Install only commercial devices that meet the requirements of Article 2;

- b. Report equipment or devices that do not conform to NIST standards to the user; and
- c. Complete placed-in-service reports accurately.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-602 recodified from R4-31-602 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4).

**R20-2-603. Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment**

- A. The Department shall not issue a license or renewal until an applicant pays all appropriate fees.
- B. Upon receipt and acceptance of all required documents, fees, and Department certification of standards, the Department shall issue the agency a license or renewal.
- C. The Department shall include on a license an assigned number, that remains effective until either withdrawn by the Department or until it expires. The Department shall issue a license with the agency's assigned license number to each registered service representative employed by the agency who has passed the competency examination.
- D. Neither a registered service agency nor a registered service representative shall transfer a license.
- E. A registered service agency shall submit the renewal fee for the agency license and the agency's representatives' licenses by the 1st day of the month that each license expires.
- F. The Department may deny a license or renewal for any of the following reasons:
  - 1. Providing false or misleading information;
  - 2. Failure to meet annual certification requirements for standards or testing equipment;
  - 3. Failure to meet the requirements stated in this Article; or
  - 4. For any reason that would be grounds for suspension, revocation, or refusal to renew.
- G. The Department may suspend, revoke, or refuse to renew a license if the applicant is not qualified to perform those duties required or has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter.
- H. Every registered service agency and representative shall comply with the Department's metrology laboratory annual schedule for certification of field standards contained in A.R.S. § 41-2067(F).

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-603 recodified from R4-31-603 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4).

**R20-2-604. Prohibited Acts**

- A. A person shall not:
  - 1. Perform any duty or do any act required to be done by a registered service agency or representative without holding a registered service agent or representative license issued by the Department;
  - 2. Use the title of registered service agency or representative, any similar title, or hold oneself out as a registered service agency or representative without a valid license; or
  - 3. Remove an official out-of-service, warning, or unlicensed-device tag except as authorized in this Chapter, or by the Department.
- B. A registered service agency or representative shall not:
  - 1. Fraudulently complete or file a placed-in-service Report;
  - 2. Delegate authority or responsibility;
  - 3. Perform any function without certified equipment;

- 4. Install or place in service any commercial device before satisfying all of the statutory and rule requirements; or
- 5. Leave any location where a device was found not in compliance, without 1st tagging the device with an out-of-service, warning, or unlicensed-device tag.

**Historical Note**

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-604 recodified from R4-31-604 (Supp. 95-1). Amended effective October 8, 1998 (Supp. 98-4).

**ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS**

*Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt amendment expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-701. Definitions**

In addition to the definitions in R20-2-101, the following definitions apply to this Article unless the context otherwise requires:

- 1. "Area A" has the same meaning as in A.R.S. § 49-541.
- 2. "Area B" has the same meaning as in A.R.S. § 49-541.
- 3. "Arizona Cleaner Burning Gasoline" or "Arizona CBG" means a gasoline blend that meets the requirements of this Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG covered area, except as provided under A.R.S. § 41-2124(K).
- 4. "AZRBOB" or "Arizona Reformulated Blendstock for Oxygenate Blending" means a petroleum-derived motor fuel that is intended to be or is represented to constitute Arizona CBG upon the addition of a specified type and percentage (or range of percentages) of oxygenate after the fuel has been supplied from the production or import facility at which it was produced or imported.
- 5. "Batch" means a quantity of gasoline that is homogeneous for those fuel properties that are specified for Arizona CBG certified under R20-2-751.
- 6. "Beginning of transport" means the point at which:
  - a. A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or a 3rd-party terminal; or
  - b. A registered supplier who retains custody commences transfer of Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG covered area.
- 7. "Blendstock" means any liquid compound that is blended with other liquid compounds to produce Arizona CBG. Deposit control additives or other similar additives registered under 40 CFR 79 are not considered blendstocks.
- 8. "CBG covered area" means a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county contained in area A.
- 9. "Conventional gasoline" means gasoline that conforms with the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.

10. "Co-solvent" means a chemical compound soluble in, and added to, a methanol-gasoline blend to prevent phase separation, reduce corrosion, and improve lubrication. A co-solvent may be any 1 or a mixture of the following:
  - a. Ethanol,
  - b. Any propanol,
  - c. Any butanol, or
  - d. Gasoline grade tertiary butyl alcohol.
11. "Designated alternative limit" means a fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 CBG or AZRBOB for purposes of compliance with the Predictive Model.
12. "Diesel" or "diesel fuel" means a refined middle distillate for use as a fuel in a compression ignition internal combustion engine.
13. "Downstream oxygenate blending" means combining AZRBOB and an oxygenate to produce fungible Arizona CBG.
14. "EPA waiver" means a waiver granted by the Environmental Protection Agency as described in "Waiver Requests under Section 211(f) of the Clean Air Act", which is incorporated by reference in R20-2-702.
15. "Final distribution facility" means a stationary gasoline transfer point from which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel will be delivered to a gasoline dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to the gasoline dispensing site.
16. "Fuel" means any material capable of releasing energy or power by combustion or other chemical or physical reaction.
17. "Fuel property" means any characteristic listed in R20-2-751(A)(1) through (A)(7), R20-2-751(B)(1) through (B)(7), or Table 2.
18. "Importer" means any person who assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.
19. "Motor fuel" means petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel, or any grade of oxygenated gasoline typically used in the operation of a motor engine.
20. "Motor vehicle" means any vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:
  - a. Vehicles that run on, or are guided by, rails; or
  - b. Vehicles that are designed primarily for travel through air or water.
21. "MTBE" means methyl tertiary butyl ether.
22. "NOx" means oxides of nitrogen.
23. "Octane", "octane number", or "octane rating" mean the anti-knock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM D2699 and ASTM D2700.
24. "Oxygenate" means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, which is able to be used as a fuel or as a gasoline blending component and is approved as a blending agent under a waiver issued by the EPA under 42 USC 7545(f).
25. "Oxygenate blending facility" means any location (including a truck) where oxygenate is added to Arizona CBG or AZRBOB, and the quality or quantity of Arizona CBG is not altered in any other manner except for the addition of deposit control additives or other similar additives registered under 40 CFR 79.
26. "Oxygenate blender" means any person who owns, leases, operates, controls, or supervises an oxygenate blending facility, or who owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate blending facility.
27. "Oxygenated Arizona CBG" means Arizona CBG with a minimum oxygen content of 3.5% that is produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles in the CBG covered area from November 1 through March 31 of each year.
28. "Oxygen content" means the percentage by weight of oxygen contained in a gasoline oxygenate blend as calculated by ASTM D4815-94a.
29. "Performance standard" means the VOC and NOx emission reduction percentages in R20-2-751(A)(8), R20-2-751(A)(9), and Table 1.
30. "Pipeline" means a transporter who owns or operates an interstate common-carrier pipe to transport motor fuels into Arizona.
31. "PM" or "Predictive Model Procedures" means the California Predictive Model, California Air Resources Board's "California Procedures for Evaluating Alternative Specification for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995, and which is incorporated by reference in R20-2-758.
32. "PM alternative gasoline formulation" means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.
33. "PM alternative specifications" means the specifications for the following fuel properties, as determined under R20-2-759:
  - a. Maximum RVP, expressed in the nearest 100th of a pound per square inch;
  - b. Maximum sulfur content, expressed in the nearest part per million by weight;
  - c. Maximum olefin content, expressed in the nearest 10th of a percent by volume;
  - d. Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;
  - e. Maximum T50, expressed in the nearest degree Fahrenheit;
  - f. Maximum T90, expressed in the nearest degree Fahrenheit; and
  - g. Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.
34. "PM averaging compliance option" means, with reference to a specific fuel property, the compliance option for PM alternative gasoline formulations by which final blends of Arizona CBG and AZRBOB are assigned designated alternative limits under R20-2-751 (F), (G), and (H).
35. "PM averaging limit" means a PM alternative specification that is subject to the PM averaging compliance option.
36. "PM flat limit" means a PM alternative specification that is subject to the PM flat limit compliance option.

37. "PM flat limit compliance option" means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for the specified fuel property contained in the PM alternative specifications.
38. "Produce" means:
  - a. Except as otherwise provided in subsections (b) or (c), to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB. If a person blends blendstocks that are not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other of Arizona CBG or AZRBOB in accordance with this Article, without the addition of blendstocks that are not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.
  - b. If a person supplies Arizona CBG or AZRBOB to a refiner who agrees in writing to further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as the producer of the Arizona CBG or AZRBOB, the refiner is deemed the producer of the Arizona CBG or AZRBOB.
  - c. If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production facility or import facility, and does not alter the quality or quantity of the AZRBOB or the quality or quantity of the resulting Arizona CBG certified by a registered supplier in any other manner except for the addition of deposit control additives or other similar additives, then the oxygenate blender is not a producer of any portion of the resulting Arizona CBG, and the producer or importer of the AZRBOB is considered the producer or importer of the full volume of the resulting Arizona CBG.
39. "Producer" means a refiner or other person who produces Arizona CBG or AZRBOB.
40. "Production facility" means a facility where Arizona CBG or AZRBOB is produced. Upon request of a producer, the Director may designate, as part of the producer's production facility, a physically separate bulk storage facility that:
  - a. Is owned or leased by the producer,
  - b. Is operated by or at the direction of the producer, and
  - c. Is used to store or distribute Arizona CBG or AZRBOB that is supplied only from the production facility.
41. "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.
42. "RVP" means Reid vapor pressure.
43. "Refinery" means a facility that produces liquid fuels, including Arizona CBG or AZRBOB, by distilling petroleum.
44. "Registered supplier" means any producer or importer who supplies Arizona CBG or AZRBOB and is registered with the Director under R20-2-750.
45. "Reproducibility" means the testing method margin of error as provided in the ASTM or other testing method required under this Article.
46. "Service station" means a retail business operated for the purpose of dispensing motor fuel into the fuel tanks of motor vehicles.
47. "Supply" means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.
48. "Third-party terminal" or "3rd-party terminal" means an owner or operator of a gasoline storage tank facility who accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier and relinquishes custody of Arizona CBG or AZRBOB to a transporter for interstate transport into Arizona.
49. "Transmix" means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.
50. "Transporter" means any person who is not a producer or importer and who:
  - a. Causes transport of Arizona CBG or AZRBOB into Arizona; and
  - b. Does not acquire title or assume ownership of the Arizona CBG or AZRBOB.
51. "Type 1 gasoline" means a gasoline that meets the standards contained in R20-2-751(A) and Table 1.
52. "Type 2 gasoline" means a gasoline that meets the standards contained in Table 2, or is certified using the PM according to the requirements of R20-2-751(F), (G), and (H), and:
  - a. Meets the requirements in R20-2-751(A) beginning April 1 through October 31 of each year; and
  - b. Meets the requirements in R20-2-751(B) beginning November 2 through March 31 of each year.
53. "VOC" means volatile organic compound.

#### Historical Note

Former Section R4-31-204(K) and Section R4-31-205(A)(1) through (5) renumbered without change as Section R4-31-701 (Supp. 89-1). Amended as R4-31-204(O) and incorporated into R4-31-701 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-701 recodified from R4-31-701 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

#### R20-2-702. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department and the Secretary of State. These incorporations by reference contain no future editions or amendments.

1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 1, 1998 edition, Superintendent of Doc-



- uments, U.S. Government Printing Office, Washington, D.C. 20402.
2. ASTM D 975-97, Specification for Diesel Fuel Oils, Petroleum Products, Lubricants, and Fossil Fuels, Volume 05.01, Petroleum Products and Lubricants (I): D56-D2596, 1998 edition, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103-1187.
  3. ASTM D 4814-97b, Specification for Automotive Spark-Ignition Engine Fuel, Petroleum Products, Lubricants, and Fossil Fuels, Volume 05.03, Petroleum Products and Lubricants (III): D4636 - latest; Catalysts, 1998 edition. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103-1187.
  4. Waiver Requests under Section 211(f) of the Clean Air Act, 40 CFR 211, Regulation of Fuels (January 28, 1992 edition) United States Environmental Protection Agency Fuels Section (EN-397F), Field Operations and Support Division, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Section 211(f) of the Clean Air Act allows a fuel or fuel additive manufacturer to apply to the Environmental Protection Agency's administrator to waive the prohibitions of certain paragraphs of Section 211(f). A list of the administrator's rulings on all waiver requests is available from the Environmental Protection Agency.
  5. Merck Index, 12th edition, 1996, Merck & Co., Inc., One Merck Drive, P.O. Box 100, Whitehouse Station, N.J. 08889-0100.

#### Historical Note

Adopted by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Emergency rule adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective August 17, 1992 (Supp. 92-3).

R20-2-702 recodified from R4-31-702 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers

- A. After completing an inspection, the Department shall return all motor fuel to the owner or operator of the service station at the site where the Department collected the motor fuel.
- B. After completing an inspection, if a motor fuel cannot be returned to the owner or operator of the service station at the site where the Department collected the motor fuel, the Department shall transport the motor fuel to another site of the owner or operator's choice and within a 20-mile radius of the inspection site.

#### Historical Note

Former Section R4-31-204(A) renumbered without change as Section R4-31-703 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). R20-2-703 recodified from R4-31-703 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-704. Price and Grade Posting on External Signs

An owner or operator of a service station that has a prominently displayed external sign shall ensure that the sign:

1. Identifies whether the type of sale is cash, credit, or debit if the price for payment differs;
2. Identifies the self service and full service prices, if different;
3. Identifies the grade of motor fuel as:
  - a. Unleaded or UNL, regular or REG for unleaded gasoline with an octane of at least 87;
  - b. Midgrade or MID for midgrade, extra, or plus for gasoline with an octane of at least 88;
  - c. Premium or PREM for super, high performance, or premium for gasoline with an octane of at least 90; and
  - d. No. 1 diesel, #1 diesel, No. 2 diesel, or #2 diesel;
4. Discloses the full motor fuel price including fractions of a cent and all federal and state taxes, if the sign displays the motor fuel price.
5. Letter height is 1/5 of the letter height of the motor fuel price displayed on the external sign or 2 1/2", whichever is larger, and is visible from the road.
6. States the terms of any condition if the displayed price is conditional upon the sale of another product or service. The terms of any condition shall comply with the letter height requirement in subsection (5).

#### Historical Note

Former Section R4-31-204(B) renumbered without change as Section R4-31-704 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-704 recodified from R4-31-704 (Supp. 95-1). Former Section R20-2-704 repealed; new Section R20-2-704 renumbered from R20-2-705 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-705. Price, Octane, and Lead Substitute Notification on Dispensers

- A. A service station owner or operator shall ensure that pricing and motor fuel grade information, octane rating, and any lead substitute addition displayed on a service station motor fuel dispenser:
  1. Is clean, legible, and visible at all times;
  2. Is displayed electronically or with a sign or label on the upper 60% of each face of each dispenser;
  3. Lists the full price of the motor fuel including fractions of a cent and all federal and state taxes;
  4. Displays the highest price of motor fuel sold from the dispenser if the dispenser is capable of dispensing and computing the price of multiple grades of motor fuel.
  5. If a discount is offered, the discount shall be displayed in letters at least 1/4" in height on each face of each dispenser and be next to the undiscounted price;
  6. Displays both a cash and credit price on an electronic dispenser that is capable of electronically displaying both cash and credit prices.
  7. Posts both a cash and credit price on each face of each electronic dispenser that is preset by the cashier if the dispenser is unable to display electronically and simultaneously both cash and credit prices.
  8. Posts a price-per-gallon sign next to or on a non-price computing dispenser for a retail-only sale of liquefied petroleum gas used as an alternative motor fuel; and
  9. Identifies the motor fuel grade as:
    - a. Unleaded or UNL, or regular or REG for unleaded gasoline with an octane of at least 87;
    - b. Midgrade or MID for midgrade, extra, or plus for gasoline with an octane of at least 88;

- c. Premium or PREM for super, high performance, or premium for gasoline with an octane of at least 90; and
  - d. No. 1 diesel, #1 diesel, No. 2 diesel, or #2 diesel.
- B.** An owner or operator of a service station shall ensure that:
1. The octane rating of each grade of gasoline is displayed on the upper 60% of each face of each dispenser, as prescribed by 16 CFR 306; and
  2. The signs required by Handbook 130, for gasoline dispensers that dispense gasoline with lead substitute, is displayed on the upper 60% of each face of each dispenser in letters at least 1/4" in height.

**Historical Note**

Former Section R4-31-204(C) renumbered without change as Section R4-31-705 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-705 recodified from R4-31-705 (Supp. 95-1). Former Section R20-2-705 renumbered to R20-2-704; new Section R20-2-705 renumbered from R20-2-706 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-706. Unattended Retail Dispensers**

In addition to all labeling and sign requirements in this Article, an owner or operator of an unstaffed service station shall post on or next to each motor fuel dispenser a sign or label, in public view, that conspicuously lists the owner's or operator's name, address, and telephone number.

**Historical Note**

Former Section R4-31-204(D) renumbered without change as Section R4-31-706 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-706 recodified from R4-31-706 (Supp. 95-1). Former Section R20-2-706 renumbered to R20-2-705; new Section R20-2-706 renumbered from R20-2-707 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-707. Product Transfer Documentation and Record Retention for Motor Fuel other than Arizona CBG and AZRBOB**

- A.** If a person transfers custody or title to a motor fuel that is not Arizona CBG or AZRBOB, and the motor fuel is not sold or dispensed at a service station or fleet vehicle fueling facility, the person shall provide to the transferee documents that include the following information:
1. The name and address of the person transferring custody or title;
  2. The name and address of the transferee;
  3. The grade of the motor fuel;
  4. The volume of each grade of motor fuel being transferred;
  5. The date of the transfer;
  6. Product transfer document number;
  7. For conventional gasoline, the minimum octane rating of each grade;
  8. For conventional gasoline, the type and maximum volume of oxygenate contained in each grade;
  9. For conventional gasoline transported in or through the CBG covered area, the statement, "This gasoline is not intended for use inside the CBG covered area"; and
  10. Whether a lead substitute is present in the gasoline and the type of lead substitute present.
- B.** A registered supplier, 3rd-party terminal, or pipeline may use standardized product codes on pipeline tickets as the product transfer documentation.

- C.** A person identified in subsection (A) shall retain product transfer documentation for each shipment delivered for 12 months. This documentation shall be available within 2 working days from the time of the Department's request.
- D.** A person identified in subsection (A) shall maintain product transfer documentation for a transfer or delivery during the preceding 30 days at that person's address listed on the product transfer documentation.
- E.** A service station owner or operator or fleet owner shall maintain product transfer documentation for the 3 most recent deliveries of each grade of motor fuel on the service station owner's or operator's or fleet owner's premises. This documentation shall be available for Department review.
- F.** The Department shall accept a legible photocopy of a product transfer document instead of the original.
- G.** A person transferring custody or title of Arizona CBG or AZRBOB shall comply with R20-2-757.

**Historical Note**

Former Section R4-31-204(E) renumbered without change as Section R4-31-707 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-707 recodified from R4-31-707 (Supp. 95-1). Former Section R20-2-707 renumbered to R20-2-706; new Section R20-2-707 renumbered from R20-2-709 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-708. Oxygenated Fuel Blends**

A person who has custody of gasoline blended with an oxygenate shall ensure that the amount of oxygenate does not exceed the amount allowed by EPA waivers. Except as allowed by EPA waivers, gasolines blended with methanol shall contain a corrosion inhibitor in an amount specified by the manufacturer of the inhibitor. Any gasoline blend containing methanol shall contain a co-solvent in an amount equal to or greater than the amount allowed by EPA waivers for gasolines within the oxygen limits allowed.

**Historical Note**

Former Section R4-31-204(F) renumbered without change as Section R4-31-708 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). R20-2-708 recodified from R4-31-708 (Supp. 95-1). Former Section R20-2-708 repealed; new Section R20-2-708 renumbered from R20-2-710 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-709. Retail Oxygenated Fuel Labeling**

- A.** A service station owner or operator shall ensure that a service station dispenser that offers gasoline containing an oxygenate, or combination of oxygenates, that results in a gasoline blend containing 1.5% or more by weight of oxygen is clearly labeled with the oxygenate volume information. If only 1 oxygenate is blended into a gasoline, each face of each dispenser shall be clearly labeled with the oxygenate volume information if the percent by volume is:
1. More than 0.3% by volume of methanol,
  2. More than 4.3% by volume of ethanol,
  3. More than 8.3% by volume of MTBE, or
  4. Any other oxygenate or combination of oxygenates at a level that requires an EPA waiver.
- B.** A service station owner or operator shall ensure that labels required under subsection (A) are displayed on the upper 60% of each face of each dispenser. The label indicating the maximum percent by volume of each oxygenate contained in the oxygenated fuel shall state:
1. Contains up to \_\_\_\_\_% ethanol;

2. Contains up to \_\_\_\_\_% methanol and \_\_\_\_\_% co-solvent;
  3. Contains up to \_\_\_\_\_% ether (MTBE); or
  4. Contains up to \_\_\_\_\_% other (specify name of oxygenate).
- C. In the CBG covered area and area B, a service station owner or operator shall ensure that a label displayed on each face of each service station dispenser also contains the following statement: "This gasoline is oxygenated and will reduce carbon monoxide emissions from motor vehicles". The statement may be printed on the label required in subsection (B) or on a separate label. If the statement is printed on a separate label, the label shall be displayed next to the label required in subsection (B).
- D. A service station owner or operator shall ensure that any other oxygenate blended with gasoline is disclosed in the format described in subsections (B) and (C).
- E. A service station owner or operator shall ensure that:
1. The label required by subsection (B) is clean, legible, and visible at all times;
  2. The label is printed in black or white block letters on a sharply contrasting background; and
  3. The lettering on labels required by subsections (B) and (C) is no less than 1/4".

**Historical Note**

Former Section R4-31-204(G) renumbered without change as Section R4-31-709 (Supp. 89-1). Former R4-31-709 repealed, new Section R4-31-709 adopted by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former R4-31-709 repealed again, new Section R4-31-709 adopted again without change by emergency action effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former R4-31-709 repealed again, new Section adopted again by emergency action without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-709 repealed, new Section R4-31-709 adopted with changes effective August 17, 1992 (Supp. 92-3). R20-2-709 recodified from R4-31-709 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Former Section R20-2-709 renumbered to R20-2-707; new Section R20-2-709 renumbered from R20-2-711 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-710. Blending Requirements**

- A. A person who has custody or transports an oxygenated gasoline blend shall ensure that no neat oxygenate blending occurs at a service station or fleet location.
- B. If a service station storage tank contains an oxygenated gasoline blend that does not contain the amount of oxygen required by A.R.S. § 41-2123, 41-2125, or R20-2-751, the service station owner or operator shall do 1 of the following:
1. Add gasoline that contains no more than 20% by volume of any oxygenate to the non-compliant blend;

2. Add a gasoline blend that dilutes the oxygenated gasoline blend to the level of oxygen content required by A.R.S. § 41-2123, 41-2125, or R20-2-751; or
3. Empty the storage tank and replace the gasoline with a required oxygenate blend.

**Historical Note**

Former Section R4-31-204(H) renumbered without change as Section R4-31-710 (Supp. 89-1). Amended effective February 21, 1990 (Supp. 90-1). See emergency amendment below (Supp. 92-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended effective August 17, 1992 (Supp. 92-3). R20-2-710 recodified from R4-31-710 (Supp. 95-1). Former Section R20-2-710 renumbered to R20-2-708; new Section R20-2-710 renumbered from R20-2-713 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-711. Alcohol-oxygenated Gasoline Storage Tank Requirements**

- A. Before a person adds an alcohol-oxygenated gasoline into a storage tank, the person shall:
1. Test the tank for the presence of water and, if any water is detected, remove it from the tank; and
  2. Install fuel filters designed for use with alcohol-oxygenated gasoline in the fuel line of all dispensers that dispense alcohol-oxygenated gasoline blends.
- B. If water of a mixture of alcohol and water is detected in alcohol-oxygenated gasoline at any time in a storage tank, the owner or operator shall empty the storage tank.

**Historical Note**

Former Section R4-31-204(I) renumbered without change as Section R4-31-711 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended effective October 1, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-711 recodified from R4-31-711 (Supp. 95-1). Former Section R20-2-711 renumbered to R20-2-709; new Section R20-2-711 renumbered from R20-2-715 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-712. Water in Service Station Motor Fuel Storage Tanks**

A service station owner or operator shall ensure that water in a service station motor fuel storage tank other than an alcohol gasoline blend, does not exceed 1" in depth when measured from the bottom through the fill pipe. The service station owner or operator shall remove all water from the tank before delivery or sale of motor fuel from that tank.

**Historical Note**

Former Section R4-31-204(J) renumbered without change as Section R4-31-712 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-712 recodified from R4-31-712 (Supp. 95-1). Former Section R20-2-712 repealed; new Section R20-2-712 renumbered from R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-713. Motor Fuel Storage Tank Labeling**

- A.** A service station owner or operator shall ensure that all motor fuel storage tank fill pipes and gasoline vapor return lines located at a service station are labeled to identify the contents accurately as:
1. Unleaded gasoline,
  2. Unleaded midgrade gasoline,
  3. Unleaded premium gasoline,
  4. No. 1 or #1 diesel fuel,
  5. No. 2 or #2 diesel fuel, or
  6. Gasoline vapor return.
- B.** A service station owner or operator shall ensure that labels are at least 1 1/2" x 5" with at least 1/4" black or white block lettering on a sharply contrasting background and that the label is clean, visible, and legible at all times.
- C.** A service station owner or operator may display other information on the reverse side of a 2-sided label.
- D.** A service station owner or operator shall not put motor fuel into storage tanks without attaching the proper label.

**Historical Note**

Adopted as R4-31-204(K) and renumbered as R4-31-713 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). R20-2-713 recodified from R4-31-713 (Supp. 95-1). Former Section R20-2-713 renumbered to R20-2-710; new Section R20-2-713 renumbered from R20-2-717 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-714. Requirements for Gasoline Products Outside the CBG Covered Area**

- A.** A service station owner or operator shall ensure that gasoline and gasoline-oxygenate blends offered for sale at service stations outside the CBG covered area meet all the ASTM D 4814-97b requirements except:
1. The minimum vapor pressure shall be 6.4 pounds per square inch;
  2. From May 1 through September 30 maximum vapor pressure shall be 9.0 pounds per square inch;
  3. For gasoline blends, the vapor pressure may be 1 pound per square inch greater than the vapor pressures established by ASTM D 4814-97b during:
    - a. May 1 through September 15 if the base fuel meets the requirements of ASTM D 4814-97b, the volatility requirements of subsection (A)(2) and the final gasoline-ethanol blend contains at least 9% ethanol by volume but does not exceed EPA waivers; and

- b. September 16 through April 30, if the base fuel meets the requirements of ASTM D 4814-97b and the final gasoline-ethanol blend contains at least 1.5% ethanol by weight and does not exceed EPA waivers.

- B.** A service station owner or operator shall ensure that the finished gasoline is visually free of water, sediment, and suspended matter and is clear and bright at ambient temperature or 70 degrees F. (21 degrees C.), whichever is greater.
- C.** A service station owner or operator shall ensure that the minimum octane rating determined by the test average of ASTM D 2699 and ASTM D 2700, also known as the R+M/2 method, is:
1. 87 for unleaded or regular;
  2. 88 for midgrade, extra, or any other gasoline with an octane rating of 88 or higher; and
  3. 90 for super, high performance, premium, or any other gasoline with an octane rating of 90 or higher.

**Historical Note**

Adopted as R4-31-204(L) and renumbered as R4-31-714 effective September 29, 1989 (Supp. 89-3). R20-2-714 recodified from R4-31-714 (Supp. 95-1). Former Section R20-2-714 repealed; new Section R20-2-714 renumbered from R20-2-718 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-715. Motor Fuel Quality Testing Methods**

- A.** A person testing gasoline blends shall use the test methods for gasoline blends established by ASTM D 4814-97b.
- B.** A person testing #1 or #2 diesel fuel shall use the test methods established by ASTM D 975-97.

**Historical Note**

Adopted as R4-31-204(M) and renumbered as R4-31-715 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-715 recodified from R4-31-715 (Supp. 95-1). Former Section R20-2-715 renumbered to R20-2-711; new Section R20-2-715 renumbered from R20-2-720 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

**R20-2-716. Sampling and Access to Records**

- A.** The Department shall obtain motor fuel samples for testing from:
1. The same dispenser used for sales to customers;
  2. The same dispenser used for dispensing motor fuel into fleet vehicles;
  3. A bulk storage facility;
  4. A common carrier having custody of motor fuel, including Arizona CBG or AZRBOB;
  5. A transporter of Arizona CBG or AZRBOB;
  6. A final distribution facility;
  7. A 3rd-party terminal having custody of Arizona CBG or AZRBOB; or
  8. An oxygenate blender or registered supplier.
- B.** A person required by this Article to maintain records relating to the production, importation, blending, transport, distribu-

tion, or delivery of Arizona CBG or AZRBOB shall ensure that the records are available for Department inspection.

#### Historical Note

Adopted as R4-31-204(N) and renumbered as R4-31-716 effective September 29, 1989 (Supp. 89-3). Repealed effective October 12, 1990 (Supp. 90-4). New Section R4-31-716 adopted effective August 17, 1992 (Supp. 92-3). R20-2-716 recodified from R4-31-716 (Supp. 95-1). Former Section R20-2-716 renumbered to R20-2-712; new Section R20-2-716 renumbered from R20-2-721 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-717. Renumbered

#### Historical Note

Adopted effective October 19, 1989 (Supp. 89-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-717 recodified from R4-31-717 (Supp. 95-1). Section R20-2-717 renumbered to R20-2-713 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-718. Renumbered

#### Historical Note

Former Section R4-31-205(B) renumbered without change as R4-31-718 (Supp. 89-1). Amended as R4-31-205(B) and incorporated into R4-31-728 effective September 29, 1989 (Supp. 89-3). Amended effective February 21, 1990 (Supp. 90-1). Subsections (3) through (10) corrected (Supp. 91-3). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-718 recodified from R4-31-718 (Supp. 95-1). Section R20-2-718 renumbered to R20-2-714 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-719. Repealed

#### Historical Note

Former Section R4-31-205(C) and (D) renumbered without change as R4-31-719 (Supp. 89-1). Amended as R4-31-205(C) and (D) and incorporated into R4-31-719 effective September 29, 1989 (Supp. 89-3). Amended effective August 17, 1992 (Supp. 92-3). R20-2-719 recodified from R4-31-719 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-720. Renumbered

#### Historical Note

Former Section R4-31-205(E) renumbered without change as R4-31-720 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-720 recodified from R4-31-720 (Supp. 95-1). Section R20-2-720 renumbered to R20-2-715 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-721. Renumbered

#### Historical Note

Former Section R4-31-205(F) renumbered without change as R4-31-721 (Supp. 89-1). Amended as R4-31-205(F) and incorporated into R4-31-721 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Heading amended effective August 17, 1992 (Supp. 92-3). R20-2-721 recodified from R4-31-721 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Section R20-2-721 renumbered to R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

#### R20-2-722. Reserved through

#### R20-2-749. Reserved

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### R20-2-750. Registration Relating to Arizona CBG or AZRBOB

- A. Each of the following shall register with the Director prior to the 1st date that the person will produce, import, or obtain custody of Arizona CBG or AZRBOB:
  1. A refiner who produces Arizona CBG or AZRBOB;
  2. An importer who imports Arizona CBG or AZRBOB;
  3. An oxygenate blender who blends oxygenate with AZRBOB to produce Arizona CBG; or
  4. A pipeline or 3rd-party terminal who has custody of Arizona CBG or AZRBOB.
- B. A person listed in subsection (A) shall register on a form prescribed by the Director and shall include the following information:
  1. Business name, business address, and contact name and telephone number;
  2. For each separate refinery and oxygenate blending facility, the facility name, physical location, contact name, telephone number, and type of facility;
  3. For each separate refinery and oxygenate blending facility, and for each importer:
    - a. The location of the records required under this Article. If records are kept off-site, the primary off-site storage facility name, physical location, contact name, and telephone number; and
    - b. If an independent laboratory is used to meet the requirements of R20-2-752(F), the name, address, contact name, and telephone number of the independent laboratory.
  4. If required under 40 CFR 80.76(d), the EPA registration number; and

5. A statement of the registrant's consent permitting the Department or its authorized agent to collect samples and access records as provided in R20-2-716.
- C. Changes to any information in subsection (B) shall be sent to the Director not later than 10 days after the effective date of the change.
- D. If a refiner, importer, or oxygenate blender fails to register under this Section, all Arizona CBG or AZRBOB transported to the CBG covered area is presumed noncomplying from the date that the registration should have occurred.
- E. The Department shall maintain a listing of all registered suppliers.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### R20-2-751. Arizona CBG Requirements

- A. General requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

##### Fuel Property/Performance Standard - Limits

1. Sulfur: 500 ppm by weight (max)
2. Aromatics: 50% by volume (max)
3. Olefins: 25% by volume (max)
4. E200: 70-30% volume
5. E300: 100-70% volume
6. Maximum Vapor Pressure
  - a. October 1 - March 31: 9.0 pounds per square inch (psi)
  - b. April: 10.0 psi
  - c. May: 9.0 psi
  - d. June 1 - September 30: 7.0 psi
7. Oxygen and Oxygenates
  - a. Minimum Content:
    - i. November 1 - March 31: 10% ethanol by volume  
If A.R.S. § 41-2124(E) petition in effect: 2.7% oxygen by weight (other than ethanol)
    - ii. April 1 - October 31: 0% by weight (any oxygenate)
  - b. The maximum oxygen content shall not exceed 4.0% by weight for ethanol and 3.5% by weight for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.

8. Federal Complex Model VOC Emissions Reduction Percentage  
May 1 through September 15:  $\geq 25.0\%$  (Federal Complex Model settings: Summer, Area Class B, Phase 2)

- B. Wintertime requirements. In addition to the other requirements of this Article, beginning November 2 through March 31 of each year, all Arizona CBG shall meet the following requirements. The dates in this subsection are compliance dates for service station operators and fleet owners.

##### Fuel Property

##### Limits

1. Sulfur 80 ppm by weight (max)
2. Aromatics 30% by volume (max)
3. Olefins 10% by volume (max)
4. 90% Distillation Temp. (T90) 330° F (max)
5. 50% Distillation Temp. (T50) 220° F (max)
6. Vapor Pressure 9.0 psi (max)
7. Oxygenate - Ethanol
  - a. Minimum oxygenate content - 10% ethanol by volume
  - b. Maximum oxygen content - 4.0% oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123.
  - c. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).

- C. General Elections. Except as provided in subsection (D), all registered suppliers shall make an initial election, and a subsequent election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1, Type 2, or the PM alternative gasoline formulation requirements; and
2. For each applicable fuel property or performance standard for the election in subsection (C)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with R20-2-760. A registered supplier shall not elect to comply with Type 1 average standards in Table 1, columns B and C, from September 16 through November 1 and April 1 through April 30.

- D. Winter elections. Beginning November 2 through March 31 of each year, all Arizona CBG or AZRBOB shall comply with Type 2 gasoline requirements or the PM alternative gasoline formulation requirements under Table 2. All registered suppliers shall make an initial election, and a subsequent election each time a change occurs, before the beginning of transport of the Arizona CBG or AZRBOB. Registered suppliers shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 gasoline or the PM alternative gasoline formulation requirements; and
2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per gallon standards.

- E. Certification as Type 1 or Type 2. Registered suppliers shall certify Arizona CBG or AZRBOB under R20-2-752 as meeting all requirements of the election made in subsection (C) or (D). Type 1 gasoline shall comply with the requirements in

either column A, or columns B through D of Table 1, and shall be certified using the Federal Complex Model. For each fuel property, Type 2 gasoline shall comply with the requirements of columns A and B (averaging option), or column C in Table 2. The PM alternative gasoline formulation shall meet the requirements of subsections (F), (G), and (H), and column A of Table 2.

**F. Certification and Use of Predictive Model for Alternative PM Gasoline Formulations.**

1. Except as provided in subsections (F)(4) and (H), the use of the PM shall be as provided in the Predictive Model Procedures.
2. A registered supplier shall certify a PM alternative gasoline formulation with the Director by either:
  - a. Submitting to the Director a complete copy of the documentation provided to the executive officer of the California Air Resources Board according to 13 California Code of Regulations, Section 2264 and subsection (H); or
  - b. Notifying the Director, on a form prescribed by or in a format acceptable to the Director, of:
    - i. The PM alternative specifications that apply to the final blend, including for each specification whether it is a PM flat limit or a PM averaging limit; and
    - ii. The numerical values for percent change in emissions for oxides of nitrogen and hydrocarbons determined in accordance with the Predictive Model Procedures.
3. The registered supplier shall deliver the certification to the Director before the beginning of transport of the PM alternative gasoline formulation.
4. Restrictions for elections to sell or supply final blends as PM alternative gasoline formulations.
  - a. A registered supplier may not make a new election to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation if the registered supplier has any outstanding requirements to provide offsets for fuel properties at the same production or import facility under subsection (I).
  - b. If a registered supplier elects to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation subject to a PM averaging compliance option for 1 or more fuel properties, the registered supplier may not elect any other compliance option, including another PM alternative gasoline formulation, if outstanding requirements to provide offsets for fuel properties exist under the provisions of subsection (I). This subsection shall not preclude a registered supplier from electing another PM alternative gasoline formulation if:
    - i. The PM flat limit for 1 or more fuel properties is changed to a PM averaging limit, or a single PM averaging limit for which there are no outstanding requirements to provide offsets, is changed to a PM flat limit;
    - ii. There are no changes to the PM alternative specifications for remaining fuel properties; and
    - iii. The new PM alternative formulation meets the criteria in the Predictive Model Procedures.
  - c. Once a registered supplier elects to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formula-

tion, the registered supplier may not use a previously assigned designated alternative limit for a fuel property to provide offsets under subsection (I).

- d. If a registered supplier notifies the Director under subsection (C) or (D) that a final blend of Arizona CBG is sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of Arizona CBG or AZRBOB subsequently sold or supplied from that production or import facility are subject to the same PM alternative specifications until the registered supplier either:
  - i. Designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications, or
  - ii. Elects, under subsection (C) or (D), a final blend at that facility subject to a flat limit compliance option or an averaging compliance option.

**G. Prohibited activities regarding PM alternative gasoline formulations.**

1. A registered supplier shall not sell, offer for sale, supply, or offer to supply from its production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under R20-2-752 if any of the following occur:
  - a. The elected PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures;
  - b. The registered supplier is prohibited by subsection (F)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation;
  - c. The gasoline fails to conform with any PM flat limit in the PM alternative specifications election; or
  - d. With respect to any fuel property for which the registered supplier elects a PM averaging limit,
    - i. The gasoline exceeds the applicable PM average limit in Table 2, column B, and no designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (F)(2); or
    - ii. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (F)(2), and either of the following occur: the gasoline exceeds the designated alternative limit for the fuel property; or when the designated alternative limit for the fuel property exceeds the PM averaging limit, the exceedance is not fully offset in accordance with subsection (I).

**H. Oxygen content requirements for PM alternative gasoline formulations.** All alternative PM gasoline formulations from November 1 through March 31 shall comply with oxygen content requirements for the CBG covered area. Regardless of the oxygen content, the final alternative PM gasoline formulation shall be certified using the PM with a minimum oxygen content of 2.0% by weight.

**I. Offsetting Fuel Properties and Performance Standards.** Each registered supplier who elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 or 2, or the PM, shall complete physical transfer from the same production or import facility of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the gasoline exceeds the averaging standard according to the following schedule:

1. Registered suppliers electing averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after the beginning of transport of any final blend of Arizona CBG or AZRBOB from a production or import facility;
  2. Registered suppliers electing to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standards that occurs from May 1 to September 15 of each calendar year during that same time period; and
  3. Registered suppliers electing to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the summer standard that occurs from May 1 to September 15 of each calendar year during that same time period.
- J. Consequence of failure to comply with averages.**
1. In addition to a penalty, if any, under R20-2-762, a registered supplier who fails to comply with the requirements of subsection (I) shall meet the applicable per-gallon standards contained in Table 1, Table 2, or for any alternative PM gasoline formulation, for a probationary period as follows:
    - a. For registered suppliers electing to comply with the standards contained in Table 1, the probationary period begins on the 1st day of the next corresponding averaging season and ends on the last day of that averaging season if the conditions of subsection (2) are met;
    - b. For registered suppliers electing to comply with the standards contained in Table 2 or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives a notice from the Director, that the registered supplier did not comply with the requirements of subsection (I). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period. The probationary period shall be 90 days.
  2. A registered supplier may not produce or import Arizona CBG or AZRBOB under an averaging compliance election until:
    - a. The registered supplier submits a compliance plan to the Director that includes:
      - i. An implementation schedule for actions to correct noncompliance, and
      - ii. Reporting requirements that document the plan implementation;
    - b. The Director approves the plan;
    - c. The registered supplier implements the plan; and
    - d. The registered supplier achieves compliance.
  3. If a registered supplier fails to comply with the requirements of subsection (I) within 1 year of the end of a probationary period under subsection (J)(1), the registered supplier shall comply with applicable per-gallon standards for a subsequent probationary period of 2 years, or until the conditions in subsection (J)(2) are satisfied, whichever is later.
    - a. If a registered supplier elects compliance with the Table 1 standards, the probationary period begins on the 1st day of the next corresponding averaging season.
    - b. If a registered supplier elects compliance with the Table 2 standards or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives notice from the Director, that the registered supplier did not comply with the requirements of subsection (I). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period.
  4. If a registered supplier fails to comply with the requirements of subsection (I) within 1 year of the end of a probationary period provided under subsection (J)(3), the registered supplier shall permanently comply with applicable per-gallon standards.
- K. Effect of VOC survey failure.** Each time the CBG covered area fails a VOC survey conducted under R20-2-760, the VOC emissions performance reduction in R20-2-751(A)(8) and the minimum per-gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0%, not to exceed the VOC percent emissions reduction percentage per-gallon standard in Table 1, column A.
- L. Effect of NOx survey failure.** Each time the CBG covered area fails a NOx survey conducted under R20-2-760, the NOx average emission reduction percentage applicable to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0%.
- M. Subsequent survey compliance.** If the minimum VOC emission reduction percentage or average NOx emissions reduction percentage has been made more stringent according to subsection (K) or (L) and the CBG covered area passes all emissions reduction surveys for VOC or NOx for 2 consecutive years, the applicable VOC or NOx emissions reduction percentage adjusted standard shall be reduced by an absolute 1.0% beginning in the year following the 2nd year of the compliant survey. Each standard adjusted under this subsection shall not be decreased below the following:
1. >25.0% for the VOC Emission Reduction Percentage, May 1 - September 15, Table 1, column C; and
  2. >6.8% for the NOx Emission Reduction Percentage, May 1 - September 15, Table 1, column B.
- N. Subsequent survey failures.** If a VOC or NOx emissions reduction percentage is made less stringent under subsection (M) and the CBG covered area fails a subsequent VOC or NOx survey:
1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction percentage in R20-2-751(A)(8) and the minimum per gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0%, not to exceed the VOC percent emissions reduction percentage per gallon standard in Table 1, column A;
  2. For a NOx survey failure, the NOx average emission reduction percentage applicable to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0%; and
  3. The VOC or NOx emission reduction percentage for the performance standard shall not be made less stringent regardless of the results of subsequent surveys for that performance standard.
- O. Effective date for adjusted standards.** If a performance standard is adjusted by operation of subsections (K), (L), (M) or (N), the effective date for the change shall begin with the next averaging season for which the standard is applicable.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with



changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was repealed under the regular rulemaking process (Supp. 98-3).*

#### **R20-2-751.01. Repealed**

##### **Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption repealed October 1, 1998, under Laws 1997, Ch. 117, § 3; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-752. General Requirements for Registered Suppliers**

- A. A registered supplier shall certify that each batch of Arizona CBG or AZRBOB transported for sale or use in the CBG covered area meets the standards in this Article.
- B. The registered supplier shall sign the certification on a form or in a format prescribed by the Director. The certification shall include information on the shipment volumes, fuel properties as determined under R20-2-759, and performance standards for each batch of Arizona CBG or AZRBOB. For each batch transported, the registered supplier shall submit the certification to the Director on or before the 15th day of each month for the Arizona CBG or AZRBOB transported during the previous month.
- C. Recordkeeping and Records Retention.
  1. Each registered supplier who samples and analyzes a final blend or shipment of Arizona CBG or AZRBOB under this Section shall maintain, for 5 years from the date of each sampling, records of the following:
    - a. Sample date;
    - b. Identity of blend or product sampled;
    - c. Container or other vessel sampled;
    - d. The final blend or shipment volume; and
    - e. The sulfur, aromatic hydrocarbon, olefin, oxygen, RVP, and as applicable, T50, T90, E200 and E300 as determined under R20-2-759.
  2. All Arizona CBG or AZRBOB produced or imported by a registered supplier, that is not tested as required by this Section, shall be deemed to have a RVP, sulfur, aromatic

hydrocarbon, olefin, oxygen, T50, and T90 exceeding the standards specified in R20-2-751, or exceeding the comparable PM averaging limits, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable standards and limits for fuel properties and performance standards.

3. A registered supplier shall provide to the Director any records maintained by the registered supplier under this subsection within 20 days of a written request from the Director. If a registered supplier fails to provide records for a blend or shipment of Arizona CBG or AZRBOB under this Section, the final blend or shipment of Arizona CBG or AZRBOB shall be deemed supplied in violation of R20-2-751, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable standards and limits for fuel properties and performance standards.
  - D. Notification requirement. A registered supplier shall notify the Director by facsimile prior to the beginning of transport of Arizona CBG or AZRBOB into the CBG covered area by a means other than a pipeline.
  - E. Quality Assurance and Quality Control (QA/QC) Program. A registered supplier shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the registered supplier's laboratory testing of Arizona CBG or AZRBOB. The QA/QC program shall be submitted to the Director for approval at least 3 months before transport of Arizona CBG or AZRBOB. Instead of a QA/QC program, a registered supplier may opt to comply with the independent testing requirements of subsection (F).
  - F. Independent testing.
    1. A registered supplier of Arizona CBG or AZRBOB who does not comply with subsection (E) shall conduct a program of independent sample collection and analyses for the Arizona CBG or AZRBOB produced or imported, that complies with 1 of the following:
      - a. Option 1. A registered supplier shall, for each batch of Arizona CBG or AZRBOB produced or imported, have an independent laboratory collect and analyze a representative sample from the batch using the methodology specified in R20-2-759 for compliance with each fuel property or performance standard for which the Arizona CBG or AZRBOB is certified.
      - b. Option 2. A registered supplier shall have an independent testing program for all Arizona CBG or AZRBOB produced or imported that consists of the following:
        - i. An independent laboratory shall collect a representative sample from each batch;
        - ii. The Director or designee shall identify up to 10% of the total number of samples collected under subsection (F)(1)(b)(i) for analysis; and
        - iii. The designated independent laboratory shall, for each sample identified by the Director or designee, analyze the sample using methodology specified in R20-2-759 for compliance with each fuel property or performance standard for which the batch is certified.
- The Director or designee may request a portion of the batch sample collected under subsection (a) or (b) for analysis by a laboratory selected by the Director or designee. The registered supplier shall submit the sample to the Director within 24 hours of written request.
2. Designation of Independent Laboratory.
    - a. A registered supplier who does not comply with subsection (E) shall designate 1 independent laboratory

for each production or import facility at which Arizona CBG or AZRBOB is produced or imported. The independent laboratory shall collect samples and perform analyses according to subsection (F).

- b. A registered supplier shall identify the designated independent laboratory to the Director under the registration requirements of R20-2-750.
- c. A laboratory is considered independent if:
  - i. The laboratory is not operated by a registered supplier or the registered supplier's subsidiary or employee;
  - ii. The laboratory does not have any interest in any registered supplier; and
  - iii. The registered supplier does not have any interest in the laboratory.

Notwithstanding the restrictions in subsections (F)(2)(c)(i) through (iii), the Director shall consider a laboratory independent if it is owned or operated by a gasoline pipeline company owned or operated by 4 or more producers or importers.

- d. A registered supplier shall not use a laboratory that is debarred, suspended, or proposed for debarment according to the Government-wide Debarment and Suspension regulations, 40 CFR 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9(9.4).
- 3. A registered supplier shall cause its designated independent laboratory to:
  - a. Record the following at the time the designated independent laboratory collects a representative sample from a batch of Arizona CBG or AZRBOB:
    - i. The producer's or importer's assigned batch number for the batch being sampled;
    - ii. The volume of the batch;
    - iii. The identification number of the gasoline storage tank or tanks in which the batch is stored at the time the sample is collected;
    - iv. The date and time the batch became Arizona CBG or AZRBOB, and the date and time the sample is collected;
    - v. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
    - vi. For Arizona CBG or AZRBOB produced by computer-controlled in-line blending, the date and time the blending process began and the date and time the blending process ended, unless exempt under subsection (G);
  - b. Retain each sample collected under this subsection for at least 45 days, except this time may be extended up to 180 days upon request by the Director;
  - c. Submit to the Director a quarterly report on the 15th day of January, April, July, and October of each year. The report shall include, for each sample of Arizona CBG or AZRBOB analyzed under subsection (F):
    - i. The results of the independent laboratory's analyses for each fuel property, and
    - ii. The information specified in subsection (F)(3)(a) for each sample; and
  - d. Supply to the Director, upon request, a portion of the sample.

- G. Exemptions to QA/QC and Independent Laboratory Testing Requirements. A registered supplier who produces or imports Arizona CBG using computer-controlled in-line blending

equipment and is operating under an exemption from EPA under 40 CFR 80.65(f)(4), is exempt from the requirements of subsections (E) and (F), provided that reports of the results of the independent audit program of the refiner's computer-controlled in-line blending operation submitted to EPA under 40 CFR 80.65(f)(4), are submitted to the Director by March 1 of each year.

- H. Use of Laboratory Analysis for Certification of Arizona CBG and AZRBOB.

- 1. If both a registered supplier and an independent laboratory collect a sample and perform a laboratory analysis to determine a fuel property for the same batch for compliance with subsection (F), the results of the analysis conducted by the registered supplier shall be used for certification of the Arizona CBG or AZRBOB under subsection (B), unless the absolute value of the difference between the 2 laboratory test results is larger than the following:

Fuel Property	Range
a. Sulfur content	25 ppm by weight
b. Aromatics	2.7% by volume
c. Olefins	2.5% by volume
d. Ethanol	0.4% by volume
e. Methanol	0.2% by volume
f. MTBE (and other methyl ethers)	0.6% by volume
g. ETBE (and other ethyl ethers)	0.6% by volume
h. TAME	0.6% by volume
i. t-Butanol content	0.6% by volume
j. RVP	0.3 psi
k. 50% distillation temperature	5° Fahrenheit
l. 90% distillation temperature	5° Fahrenheit
m. E200	2.5% by volume
n. E300	3.5% by volume
o. API gravity	0.3° API

- 2. If the absolute value of the differences of the results of the analyses conducted by the registered supplier and independent laboratory is larger than the values specified in subsection (H)(1), the registered supplier shall use the following laboratory testing results for certification of Arizona CBG or AZRBOB under subsection (B):
  - a. The larger of the 2 values for the fuel property, except that the smaller of the 2 values shall be used for oxygenates; or
  - b. The registered supplier shall have 1 additional independent laboratory analyze the Arizona CBG or AZRBOB for the fuel property. If the laboratory results obtained by the additional independent laboratory is within the range listed in this subsection as compared to the results obtained by the registered supplier, the registered supplier's laboratory analysis results shall be used for Arizona CBG or AZRBOB certification under subsection (B).

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6,*

*pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-753. General Requirements for Pipelines and 3rd-party Terminals**

- A. A pipeline or 3rd-party terminal shall not accept Arizona CBG or AZRBOB for transport unless:
  - 1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner, oxygenate blender, pipeline, or 3rd-party terminal registered with the Department under R20-2-750; and
  - 2. The supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in R20-2-751(A) or (B), as applicable, without reproducibility or numerical rounding.
- B. A pipeline or 3rd-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or 3rd-party terminal shall retain the sample for at least 30 days, except this time may be extended for individual samples up to 180 days upon request by the Director.
- C. A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a frequency of not less than 1 sample from 1 batch completing shipment per supplier per day at each input location.
- D. A pipeline shall provide the Director with a report summarizing the laboratory testing results required in subsection (C) within 10 days of the end of each month. The report shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the Arizona CBG or AZRBOB was transported by pipeline, present sample location, and laboratory analysis results.
- E. If any batch does not meet the standards in R20-2-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the Director by facsimile within 48 hours with the batch volume and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results.
- F. If any batch does not meet the standards in R20-2-751(A) or (B), as applicable, including reproducibility, the pipeline or 3rd-party terminal shall notify the Director by facsimile within 24 hours with the quantity and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results. If the batch is in the pipeline's or 3rd-party terminal's control, the pipeline or 3rd-party terminal shall stop the release of the batch from a distribution point until the batch is certified as meeting the standards in R20-2-751(A) or (B), as applicable.
- G. The pipeline or 3rd-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or 3rd-party terminal's laboratory testing. The QA/QC program for 3rd-party terminals shall include a description of the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported to the CBG covered area, meets the standards in R20-2-751(A) or (B). The pipeline or 3rd party terminal shall submit the QA/QC to the Director for approval at least 3 months before the 1st date the pipeline or 3rd-party terminal transports Arizona CBG or AZRBOB.
- H. A portion of a facility that a 3rd-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but shall be operated in compliance with requirements

for registered suppliers in R20-2-752 and oxygenate blenders in R20-2-755, as applicable.

- I. A pipeline is not liable under R20-2-761 if it follows all of the procedures in this Section.

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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**R20-2-754. Downstream Blending Exceptions for Transmix**

- A. Pipelines may blend transmix into Arizona CBG or AZRBOB at a rate not to exceed 1/4 of 1% by volume. Each pipeline shall document the transmix blending (recording each batch and volume of transmix blended) and maintain the records at the terminal for 2 years from the date of blending.
- B. One of 2 methods shall be used to measure the transmix as it is blended into the product stream:
  - 1. Meters, calibrated at least twice each year; or
  - 2. Tank gauge as per API Manual of Petroleum Measurement Standards, Chapters 3.1A (1st edition, December 1994) and 3.1B (1st edition, April 1992), incorporated by reference and on file with the Department and the Office of the Secretary of State. A copy may also be obtained at American Petroleum Institute, 1220 L St., N.W., Washington, D.C. 20045-4070. This incorporation by reference contains no future editions or amendments.

**Historical Note**

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*rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

**R20-2-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending**

**A.** Application of Arizona CBG standards to AZRBOB.

1. Determining whether AZRBOB complies with Arizona CBG standards.
  - a. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the final blend for purposes of compliance with Tables 1 or 2 are determined by adding the specified type and amount of oxygenate to a representative sample of the AZRBOB and determining the fuel properties and performance standards of the resulting gasoline according to the test methods in R20-2-759. If the registered supplier designates a range of amounts of oxygenate or more than 1 oxygenate type to be added to the AZRBOB, the minimum designated amount of the oxygenate having the smallest designated volume shall be added to the AZRBOB to determine the fuel properties and performance standards of the final blend. If a registered supplier does not comply with this subsection, compliance of the final blend with applicable fuel property standards, excluding requirements for RVP, shall be determined without adding oxygenate to the AZRBOB.
  - b. In determining whether AZRBOB complies with the Arizona CBG standards, the oxygenate added shall be representative of the oxygenate the registered supplier reasonably expects will be subsequently added to the final blend.
2. Calculating the volume of a final blend of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies this Section, the volume of a final blend is calculated for compliance purposes under R20-2-751 by adding the minimum designated amount of the oxygenate having the smallest volume designated by the registered supplier. If a registered supplier fails to comply with this subsection, the volume of the final blend for purposes of compliance with applicable fuel property standards shall be calculated without adding the amount of oxygenate to the AZRBOB.

**B.** Restrictions on transferring AZRBOB.

1. A person shall not transfer ownership or custody of AZRBOB to any other person unless the transferee notifies the transferor in writing that:
  - a. The transferee is a registered oxygenate blender and will add oxygenate of the types and amount (or within the range of amounts) designated in R20-2-757 before the AZRBOB is transferred from a final distribution facility, or
  - b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygen blender who adds the type and amount (or within the range of amounts) of oxygenate designated in R20-2-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.
2. A person shall not sell or supply AZRBOB from a final distribution facility if the type and amount or range of amounts of oxygenate designated in R20-2-757 have not been added to the AZRBOB.

**C.** Restrictions on blending AZRBOB with other products. A person shall not combine any AZRBOB supplied from the facility

at which it is produced or imported with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:

1. Oxygenate of the type and amount (or within the range of amounts) specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility, or
  2. Other AZRBOB for which the same oxygenate type and amount (or range of amounts) is specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility.
- D.** Quality Assurance Sampling and Testing requirements for a registered supplier supplying AZRBOB from a production or import facility. A registered supplier supplying AZRBOB from a production or import facility shall conduct a quality assurance sampling and testing program that meets the requirements of 40 CFR 80.69(a)(7), as it existed on July 1, 1996, except:
1. 40 CFR 80.69(a)(7). The word "RBOB" is changed to read "AZRBOB";
  2. 40 CFR 80.69(a)(7). "...using the methodology specified in § 80.46..." is changed to read "...using the methodology specified in R20-2-759..."; and
  3. 40 CFR 80.69(a)(7)(ii). "(within the correlation ranges specified in § 80.65(e)(2)(i))" is changed to read "(within the ranges of the applicable test methods)". 40 CFR 80.69(a)(7), as it existed on July 1, 1996, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.
- E.** Requirements for oxygenate blenders.
1. Requirement to add oxygenate to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender has represented that oxygenate will be added to the AZRBOB, the oxygenate blender shall add to the AZRBOB oxygenate of the types and amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
  2. Additional requirements for oxygenate blending at terminals. An oxygenate blender who makes a final blend of Arizona CBG by blending an oxygenate with any AZRBOB in a motor fuel storage tank, other than a truck used for delivering motor fuel to retail outlets or bulk purchaser-consumer facilities, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample, using the methodology in R20-2-759.
  3. Additional requirements for oxygenate blending in trucks. An oxygenate blender who blends AZRBOB in a motor fuel delivery truck shall conduct quality assurance sampling and testing that meets the requirements in 40 CFR 80.69(e)(2), as it existed on July 1, 1996, except:
    - a. 40 CFR 80.69(e)(2). The word "RBOB" is changed to read "AZRBOB";
    - b. 40 CFR 80.69(e)(2)(iv). "... using the testing methodology specified at § 80.46 ..." is changed to read "... using the testing methodology specified in R20-2-759..."; and
    - c. 40 CFR 80.69(e)(2)(v). "(within the ranges specified in § 80.70(b)(2)(I))" is changed to read "(within the ranges of the applicable test methods)". 40 CFR 80.69(e)(2), as it existed on July 1, 1996, is incorporated by reference and on file with the Department and the Office of the Secretary of State. This incor-

poration by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
  - a. An oxygenate blender who produces Arizona CBG by blending oxygenate with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
    - i. Obtain a flow proportional composite sample after the addition of oxygenate and before combining the resulting Arizona CBG with any other Arizona CBG;
    - ii. Determine the oxygen content of the Arizona CBG by analyzing the composite sample within 24 hours of blending using the methodology in R20-2-759; and
    - iii. Determine the volume.
  - b. If the test results for the Arizona CBG indicate that it does not contain the specified type and amount of oxygenate within the ranges of the applicable test methods the oxygenate blender shall:
    - i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline or transmix upon arrival in Arizona;
    - ii. Begin an investigation to determine the cause of the noncompliance;
    - iii. Collect spot samples every 2 hours during each in-line blend of AZRBOB and oxygenate, and analyze the samples with 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
    - iv. Notify the Director in writing within 1 business day that the Arizona CBG does not comply with the requirements of this Article.

The oxygenate blender shall comply with this subsection until the Director approves the corrective action taken under subsection (iii).

5. Recordkeeping and Records Retention.
  - a. An oxygenate blender shall maintain, for 5 years from the date of each sampling, records of the following:
    - i. Sample date,
    - ii. Identity of blend or product sampled,
    - iii. Container or other vessel sampled,
    - iv. The final blend or shipment volume, and
    - v. The oxygen content as determined under R20-2-759.
  - b. Arizona CBG blended by an oxygenate blender that is not tested as required by this Section shall be deemed to have an oxygen content exceeding the standards specified in R20-2-751, or exceeding the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards in R20-2-751.
  - c. Within 20 days of the Director's written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under R20-2-755. If an oxygenate blender fails to provide records for a blend or shipment of Arizona CBG under this Section, the final blend or shipment of Arizona CBG shall be deemed in violation of R20-2-751, or deemed to exceed the comparable PM averaging

limits if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards and limits under R20-2-751.

6. Notification requirement. An oxygenate blender shall notify the Director by facsimile prior to the beginning of transport of Arizona CBG or AZRBOB into the CBG covered area by a means other than a pipeline.
7. Quality Assurance and Quality Control (QA/QC) Program. An oxygenate blender conducting laboratory sampling and analysis under subsection (E) in the oxygenate blender's own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender's laboratory testing of Arizona CBG or AZRBOB. The blender shall submit the QA/QC program to the Director for approval at least 3 months before transport of Arizona CBG. Instead of a QA/QC program, an oxygenate blender may opt to comply with the independent testing requirements of R20-2-752 (F), except that, for sampling and analysis conducted under subsection (E)(3), the minimum number of samples collected and analyzed by the independent laboratory shall be 10% of the number of samples required to be analyzed under subsection (E)(3).
8. An oxygenate blender not conducting laboratory sampling and analysis required under subsection (E) in its own laboratory shall designate an independent laboratory, as required in R20-2-752(F), to conduct all of the laboratory sampling and analysis required under subsection (E).
9. Within 24 hours of the Director or designee's written request, an oxygenate blender shall submit a portion of any sample collected under subsections (7) or (8).

#### Historical Note

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#### **R20-2-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks**

- A. A person shall not combine Arizona CBG supplied from a production or import facility with any nonoxygenate blendstock, other than vapor recovery condensate, unless the person demonstrates to the Director:
  1. The blendstock added to the Arizona CBG meets all of the Arizona CBG standards regardless of the fuel properties and performance standards of the Arizona CBG to which the blendstock is added; and
  2. The person meets the requirements in this Article applicable to producers of Arizona CBG.

**B.** Notwithstanding subsection (A), a person may add nonoxygenate blendstock to a previously certified batch or mixture of certified batches of Arizona CBG that does not comply with 1 or more of the applicable per-gallon standards contained in R20-2-751(A) or (B) if the person obtains prior written approval from the Director based on a demonstration that adding the blendstock will bring the previously certified Arizona CBG into compliance with the applicable per-gallon standards for Arizona CBG. The oxygenate blender or registered supplier shall certify the re-blended Arizona CBG to the Department.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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#### R20-2-757. Product Transfer Documentation; Records Retention

- A.** If a person transfers custody or title to any Arizona CBG or AZRBOB, other than when Arizona CBG is sold or dispensed at a service station or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following:
1. The name and address of the transferor;
  2. The name and address of the transferee;
  3. The volume of Arizona CBG or AZRBOB being transferred;
  4. The location of the Arizona CBG or AZRBOB at the time of the transfer;
  5. The date of the transfer;
  6. Product transfer document number;
  7. Identification of the gasoline as Arizona CBG or AZRBOB;
  8. The minimum octane rating;
  9. The applicable Federal Complex Model VOC and NOx reduction percentage standards contained in R20-2-751(A) to which the Arizona CBG or AZRBOB conforms;
  10. For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through March 31, the type and minimum quantity of oxygenate contained in the Arizona CBG; and
  11. In the case of AZRBOB for which oxygenate blending is intended:
    - a. Identification of the fuel as AZRBOB, and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of oxygenate";

- b. The designation of the AZRBOB as suitable for blending with:
  - i. Any oxygenate;
  - ii. Ether only; or
  - iii. A specified oxygenate type or types and amount or amounts;
- c. The oxygenate type or types and amount or amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable volume percent oxygenate and weight percent oxygen content specifications; and
- d. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless it has the same requirements for oxygenate type or types and amount or amounts.

- B.** A registered supplier, 3rd-party terminal, or pipeline may comply with subsection (A) by using standardized product codes on pipeline tickets if the codes are specified in a manual distributed by the pipeline to transferees of the Arizona CBG or AZRBOB, and the manual sets forth all required information for the Arizona CBG or AZRBOB.
- C.** Any transferee in subsection (A), other than a registered supplier, oxygenate blender, 3rd-party terminal, pipeline, service station operator, or fleet owner shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 24-month period preceding the most recent transfer or delivery. The transferee shall maintain transfer or delivery documents for the 30-day period preceding the most recent transfer or delivery at the business address listed on the product transfer document. The transferee may retain all remaining transfer or delivery documents for the preceding 24 months elsewhere but shall make them available to the Director within 2 working days from the time of request by the Director or designee.
- D.** A service station operator or fleet owner shall retain product transfer documents for each shipment of Arizona CBG delivered during the 12 months preceding that shipment. The documentation for the 3 most recent deliveries shall be maintained on the service station or fleet owners' premises. A service station operator or fleet owner may maintain documentation for the remainder of all deliveries for the 12-month period elsewhere but shall make it available to the Director within 2 working days from the time of request by the Director.
- E.** A registered supplier, oxygenate blender, 3rd-party terminal, or pipeline shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 60-month period preceding the most recent transfer or delivery. Transfer or delivery documents made during the 30-day period preceding the most recent transfer or delivery shall be maintained at the business address listed on the product transfer document. Documents for the remainder of all transfers or deliveries for the preceding 60 months shall be available within 2 working days from the time of request by the Director or designee.
- F.** Upon request by the Director or designee, a person shall present product transfer documents to the Department. Legible photocopies shall be acceptable.

#### Historical Note

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tary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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#### **R20-2-758. Adoption of Fuel Certification Models**

The following documents are incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

1. The California Predictive Model (PM), California Air Resources Board's "California Procedures for Evaluating Alternative Specification for Phase 2 Reformulated Gasoline Using the California Predictive Model", as adopted April 20, 1995 (Predictive Model Procedures). A copy may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
2. The Federal Complex Model as contained in 40 CFR 80.45, January 1, 1999. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

#### **Historical Note**

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**Editor's Note:** *The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-759. Testing Methodologies**

- A. Except as provided in subsections (C) and (D), a person certifying Arizona CBG or AZRBOB as meeting standards under Table 1 shall test the fuel with the methods under 13 California Code of Regulations, Section 2263, incorporated by reference as of January 1, 1997 and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- B. Except as provided in subsection (C), a person certifying Arizona CBG or AZRBOB as meeting standards under Table 2

shall test the fuel with methods under 13 California Code of Regulations, Section 2263, as incorporated by reference in subsection (A).

- C. A registered supplier, oxygenate blender, or 3rd-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG covered area shall measure oxygenate using ASTM D4815-94a procedures and RVP using ASTM D4814-99 standards. For Arizona CBG located in the CBG covered area, oxygenate shall be measured using ASTM D4815-94a, and RVP shall be measured using ASTM D5191-99. ASTM D4814-99, ASTM D4815-94a and ASTM D5191-99 are incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies may be obtained at American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959.
- D. Except as required in subsection (C), a registered supplier of Arizona CBG or AZRBOB may certify Type 1 Arizona CBG produced or imported at any facility using the federal test methods contained in 40 CFR 80.46 (a) through (g), incorporated by reference as of July 1, 1996, provided these are the only test methods used by that registered supplier to certify Arizona CBG or AZRBOB at that facility. 40 CFR 80.46(a) through (g) is on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

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**Editor's Note:** *The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-760. Compliance Surveys**

- A. A registered supplier who elects to certify that Arizona CBG or AZRBOB meets any averaging standard under R20-2-751 shall conduct compliance surveys in accordance with a survey program plan approved by the Director. The Director shall approve a survey program plan if it:
  1. Consists of 4 VOC and NOx surveys during the period May 1 through September 15 of each year; and
  2. Complies with subsection (C).
- B. If a registered supplier fails to conduct an approved survey program, the Director shall issue an order requiring compliance with all applicable standards on a per-gallon basis for at least 6 months, extending through the end of the survey period

identified in subsection (A)(1) and ending after the 6-month period. The requirement for compliance with per-gallon standards applies from the beginning of the survey period during which the failure occurs, regardless of when the failure to survey occurs during that period.

**C. General survey requirements.**

1. A survey shall consist of all samples collected under the applicable survey design during any consecutive 7-day period and that are not excluded under subsection (C)(4).
2. A survey shall be representative of all Arizona CBG being dispensed in the CBG covered area as provided in subsection (F).
3. Each sample included in a survey shall be analyzed for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and RVP according to the methodologies specified in R20-2-759. RVP shall be analyzed during the time period of May 1 through September 15.
4. The results of each survey shall be based upon the results of the analysis of each sample collected during the course of the survey, unless a sample does not comply with the applicable per gallon maximum or minimum standards for the fuel property being evaluated in addition to any reproducibility that applies to the fuel property.
5. A survey sample that does not comply with R20-2-751, or that constitutes evidence of noncompliance with a standard or requirement under this Article, may be used by the Director in an enforcement action.
6. Each laboratory that analyzes survey samples shall participate in a correlation program with the Director to ensure the validity of analysis results.

**D. The results of each VOC and NOx survey shall be determined as follows:**

1. For each sample from the survey, the VOC and NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the applicable methodology for calculating VOC and NOx emissions reductions at 40 CFR 80.45, as incorporated by reference in R20-2-758;
2. The CBG covered area fails the VOC survey if the VOC emissions reduction percentage average of all samples collected during that survey is less than the per-gallon standard for VOC emissions reduction percentage in Table 1, column A.
3. The CBG covered area fails the NOx survey if the NOx emissions reduction percentage average of all samples collected during that survey is less than the per-gallon standard for NOx emissions reduction percentage in Table 1, column A.

**E. The results of each NOx survey series shall be determined as follows:**

1. For each sample from a survey series, the NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the applicable methodology for calculating NOx emissions reduction under 40 CFR 80.45 as incorporated by reference in R20-2-758; and
2. The CBG covered area fails the NOx survey series if the NOx emissions reduction percentage average for all survey samples collected during that survey series is less than the Federal Complex Model per-gallon standard for the NOx emissions reduction percentage in Table 1, column A.

**F. Each survey program shall:**

1. Be designed and conducted by a person independent of the registered supplier (the surveyor). To be considered independent:
  - a. The surveyor shall not be an employee of any registered supplier;
  - b. The surveyor shall not have any obligation to or interest in any registered supplier; and
  - c. The registered supplier shall not have any obligation to or interest in the surveyor.
2. Be designed to include enough samples to ensure that the average levels of oxygen, RVP, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95% confidence level, with error of less than 0.1 psi for RVP, 0.1% for oxygen (by weight), 0.5% for aromatic hydrocarbons (by volume), 0.5% for olefins (by volume), 5°F for T50 and T90, and 10 ppm for sulfur;
3. Require that the surveyor:
  - a. Except as provided in subsection (G), not inform anyone, in advance, of the date or location of any survey;
  - b. Upon request of the Director, provide a duplicate of any sample taken during the survey within 30 days following submission of the survey report:
    - i. To a location specified by the Director;
    - ii. Identified by the name and address of the facility where the sample was collected; and
    - iii. Showing the date of collection.
  - c. Permit a Department official at any time to monitor the conduct of the survey, including sample collection, transportation, storage, and analysis.
4. Require the surveyor to submit a report of each survey, within 30 days following completion of the survey, to the Director. The report shall include:
  - a. The name of the person conducting the survey;
  - b. An attestation by an officer of the surveying company that the survey was conducted according to the survey program plan and the survey results are accurate;
  - c. If the survey was conducted for 1 registered supplier, the identification of that supplier;
  - d. The identification of the area from which gasoline samples were selected;
  - e. The dates on which the survey was conducted;
  - f. The address of each facility at which a gasoline sample was collected, and the date of collection;
  - g. The results of the analyses of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP, the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (A)(1);
  - h. The name and address of each laboratory where gasoline samples were analyzed;
  - i. A description of the methodology used to select the locations for sample collection and the numbers of samples collected;
  - j. For any samples that were excluded from the survey, a justification for the exclusion; and
  - k. The average VOC and NOx emissions reduction percentage.
- G.** Each survey shall be commenced on a date selected by the Director. The Director shall notify the surveyor of the date selected at least 10 business days before the beginning date of the survey.
- H.** The procedure for seeking Director approval for a survey program plan is:



1. The person seeking survey program plan approval shall submit the plan to the Director for the Director's approval no later than January 1 to cover the survey period of May 1 through March 31 of each year; and
  2. The survey program plan shall be signed by a corporate officer of the registered supplier, or in the case of a comprehensive survey program plan, by an officer of the organization coordinating the survey program.
- I.** No later than April 1 of each year, the registered supplier's contract with the surveyor to carry out the entire survey plan for the next summer and winter season shall be in effect, and the registered supplier shall pay an amount of money necessary to carry out the entire survey plan to the surveyor or place the money into an escrow account with instructions to the escrow agent to pay the money over to the surveyor during the course of the conduct of the survey plan. No later than April 15 preceding the period in which a survey will be conducted, the registered supplier shall give the Director a copy of the contract with the surveyor, proof that the money necessary to carry out the plan has either been paid to the surveyor or placed into an escrow account, and if placed into an escrow account, a copy of the escrow agreement.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

*Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).*

#### **R20-2-761. Liability for Noncompliant Arizona CBG or AZRBOB**

- A.** Persons liable. If motor fuel designated as Arizona CBG or AZRBOB does not comply with R20-2-751, the following are liable for the violation:
1. Each person who owns, leases, operates, controls, or supervises a facility where the noncompliant Arizona CBG or AZRBOB is found;
  2. Each registered supplier whose corporate, trade, or brand name, or whose marketing subsidiary's corporate, trade, or brand name, appears at a facility where the noncompliant Arizona CBG or AZRBOB is found; and
  3. Each person who manufactured, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline in a storage tank containing Arizona CBG or AZRBOB found to be noncompliant.
- B.** Defenses.

1. A person who is otherwise liable under subsection (A) is not liable if that person demonstrates:
    - a. That the violation was not caused by the person or person's employee or agent;
    - b. That product transfer documents account for all of the noncompliant Arizona CBG or AZRBOB and indicate that the Arizona CBG or AZRBOB complied with this Article; and
    - c. That the person had a quality assurance sampling and testing program, as described in subsection (C) in effect at the time of the violation; except that any person who transfers Arizona CBG or AZRBOB, but does not assume title, may rely on the quality assurance program carried out by another person, including the person who owns the noncompliant Arizona CBG or AZRBOB, provided the quality assurance program is properly administered.
  2. If a violation is found at a facility that operates under the corporate, trade, or brand name of a registered supplier, that registered supplier must show, in addition to the defense elements in subsection (B)(1), that the violation was caused by:
    - a. A violation of law other than A.R.S. Title 41, Chapter 15, Article 6, this Article, or an act of sabotage or vandalism;
    - b. A violation of a contract obligation imposed by the registered supplier designed to prevent noncompliance, despite periodic compliance sampling and testing by the registered supplier; or
    - c. The action of any person having custody of Arizona CBG or AZRBOB not subject to a contract with the registered supplier but engaged by the registered supplier for transportation of Arizona CBG or AZRBOB, despite specification or inspection of procedures and equipment by the registered supplier designed to prevent violations.
  3. To show that the violation was caused by any of the actions in subsection (B)(2), the person must demonstrate by reasonably specific showings, by direct or circumstantial evidence, that the violation was caused or must have been caused by another person.
- C.** Quality assurance sampling and testing program. To demonstrate an acceptable quality assurance program for Arizona CBG or AZRBOB, at all points in the gasoline distribution network, other than at a service station or fleet owner facility, a person shall present evidence:
1. Of a periodic sampling and testing program to determine compliance with the maximum or minimum standards in R20-2-751; and
  2. That each time Arizona CBG or AZRBOB is noncompliant with 1 of the requirements in R20-2-751:
    - a. The person immediately ceases selling, offering for sale, dispensing, supplying, offering for supply, storing, transporting, or causing the transportation of the noncompliant Arizona CBG or AZRBOB; and
    - b. The person remedies the violation as soon as practicable.

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended

by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

**Editor's Note:** The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least 1 public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

#### **R20-2-762. Penalties**

Any person who violates any provision of this Article is subject to the following:

1. Prosecution for a Class 2 misdemeanor under A.R.S. § 41-2113(B)(4);
2. Civil penalties in the amount of \$500 per violation under A.R.S. § 41-2115; and
3. Stop-use, stop-sale, hold, and removal orders under A.R.S. § 41-2066(A)(2).

#### **Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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**Table 1. Type 1 Gasoline Standards**

	Non-averaging Option	Averaging Option		
	A	B	C	D
Performance Standard/Fuel Property**	Per-Gallon (minimum)	Average	Minimum (per-gallon)	Maximum (per-gallon)
VOC Emission Reduction (%) May 1 - Sept. 15	≥ 27.5	≥ 29.0	≥ 25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥ 5.5	≥ 6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - Nov. 1 and April 1 - April 30***	≥ 0.0	N/A	N/A	N/A
Oxygen content: ethanol, (% by weight unless otherwise noted) Nov. 2 - March 31*** April 1 - Nov. 1	N/A 0.0*	N/A N/A	N/A 0.0	N/A 4.0
Oxygen content: other than ethanol, (% by weight) Nov. 2 - March 31*** April 1 - Nov. 1	N/A 0.0	N/A N/A	N/A 0.0	N/A 2.7
* Maximum oxygen content must comply with the EPA oxygenate waiver requirements.				
** Dates represent compliance dates for service stations and fleet owners.				
*** Registered suppliers shall certify all Arizona CBG as Type 2 gasoline meeting the standards in Table 2 beginning November 2 through March 31.				

#### **Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 1 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

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**Table 2. Type 2 Gasoline Standards**

	Averaging Option		Non-averaging Option	
	A	B	C	
Fuel Property	Maximum Standard (per gallon)	Averaging Standard*	Flat Standard * (per gallon maximum)	Units of Standard
Sulfur Content	80	30	40	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290	300	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200	210	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0	22.0	25.0	% by volume
Oxygen content: ethanol**** Nov. 2 - March 31 April 1 - Nov. 1	10% ethanol 2.7	-- --	10% ethanol 2.7**	% by vol. % by weight
Oxygen content: other than ethanol**** Nov. 2 - March 31 April 1 - Nov. 1	3.5**** 2.7	-- --	3.5**** 2.7**	% by weight % by weight
<p>* Instead of the standards in columns B and C, a registered supplier may elect to comply with the standards contained in column A, and R20-2-751(F), (G), and (H) for the use of the PM.</p> <p>** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>*** Non-ethanol oxygenate is allowed only if approved by the Director under A.R.S. § 41-2124(D). Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.</p> <p>**** A registered supplier shall certify all Arizona CBG using ethanol as the oxygenate beginning November 2 through March 31. Alternative oxygenates may be used if approved by the Director under A.R.S. § 41-2124(D).</p> <p>NOTE: Dates represent compliance dates for service stations and fleet owners.</p>				

#### Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 2 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1).

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**Table 3. Repealed**

**Historical Note**

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption repealed October 1, 1998, under Laws 1997, Ch. 117, § 3; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3).

**ARTICLE 8. REPEALED**

**R20-2-801. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-801 recodified from R4-31-801 (Supp. 95-1). R20-2-801 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-802. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-802 recodified from R4-31-802 (Supp. 95-1). R20-2-802 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-803. Repealed**

**Historical Note**

Emergency rule adopted effective October 12, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency rule adopted again without change effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency rule adopted again with changes effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days

(Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-803 recodified from R4-31-803 (Supp. 95-1). R20-2-803 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-804. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-804 recodified from R4-31-804 (Supp. 95-1). R20-2-804 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-805. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-805 recodified from R4-31-805 (Supp. 95-1). R20-2-805 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-806. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-806 recodified from R4-31-806 (Supp. 95-1). R20-2-806 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-807. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3).

Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-807 recodified from R4-31-807 (Supp. 95-1). R20-2-807 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-808. Reserved**

**R20-2-809. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-809 recodified from R4-31-809 (Supp. 95-1). R4-2-809 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-810. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-810 recodified from R4-31-810 (Supp. 95-1). R20-2-810 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-811. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-811 recodified from R4-31-811 (Supp. 95-1). R20-2-811 repealed effective October 8, 1998 (Supp. 98-4).

**R20-2-812. Repealed**

**Historical Note**

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3).

Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-812 recodified from R4-31-812 (Supp. 95-1). R20-2-812 repealed effective October 8, 1998 (Supp. 98-4).

**ARTICLE 9. GASOLINE VAPOR CONTROL**

**R20-2-901. Material Incorporated by Reference**

The following documents are incorporated by reference, on file with the Secretary of State, and do not include any later amendments or editions:

1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. Arizona Department of Weights and Measures Vapor Recovery Test Procedure TP-WM-1, *Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks* (Tie-Tank Test), April 1998, Arizona Department of Weights and Measures, 9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258.
3. The following CARB test procedures:
  - a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, *Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, *Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, *Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, *Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
  - e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, *Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-901 recodified from R4-31-901 (Supp. 95-1). Section R20-2-901 repealed; new Section R20-2-901 renumbered from R20-2-902 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-902. Exemptions**

- A. The owner or operator of a site applying for an exemption shall demonstrate to the Department's satisfaction that there has not been a monthly throughput in excess of that specified in A.R.S. § 41-2132(C) for any month for the 2-year period before the date of the application for exemption.
- B. A candidate for independent small business marketer exemption shall derive at least 50% of annual income from the sale of gasoline at each gasoline dispensing site that is being considered for this exemption. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of an owner or operator's state and federal gross income for income tax purposes. The following items are excluded from income computations:
  1. Purchase and sale of Diesel fuel, and
  2. State lottery sales net commissions and incentives.
- C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

**Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-902 recodified from R4-31-902 (Supp. 95-1). R20-2-902 renumbered to R20-2-901; new Section R20-2-902 renumbered from R20-2-903 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-903. Equipment and Installation**

- A. The piping of both stage I and stage II vapor recovery systems shall be designed and constructed as certified by CARB for that specific vapor recovery system. An owner or operator shall not alter stage I and stage II vapor recovery systems and associated components from their CARB-certified configuration without obtaining Department approval under the Authority to Construct in R20-2-904.
- B. The fittings, assemblies, and components of both stage I and stage II vapor recovery systems shall be certified by CARB. If Department inspection or test data reveals a deficiency in fittings, assemblies, or components that cannot be permanently corrected, the deficient fittings, assemblies, and components shall not be used in Arizona.
- C. Stage I spill containments may have plugged drains in place of drain valves if hand-operated pumps are kept onsite for draining entrapped liquid. All Stage II vapor recovery systems shall have pressure/vacuum (P/V) values on top of the vent lines for gasoline storage tanks.

**Historical Note**

Emergency rule adopted effective November 23, 1992,

pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-903 recodified from R4-31-903 (Supp. 95-1). R20-2-903 renumbered to R20-2-902; new Section R20-2-903 renumbered from R20-2-904 and amended effective October 8, 1998 (Supp. 98-4).

**R20-2-904. Application Process for Authority to Construct**

- A. Prior to the installation, replacement, modification, or initial operation of a stage I or stage II vapor recovery system, the owner or operator of the gasoline dispensing site shall submit to the Department a complete application as defined in R20-2-108 for Authority to Construct with the following information:
  1. The name, address, and phone number of any owner, operator, and proposed contractor, if known;
  2. The name of the stage I or stage II system to be installed along with the specific CARB certification for that system;
  3. The street address of the site where construction or operation will take place with an estimated timetable for construction or commencement of the operation;
  4. A copy of a blueprint or scaled site plan for the vapor recovery system including all equipment and piping detail; and
  5. For nonattainment area stage II vapor recovery systems, an application fee.
- B. After review and determination that the plan is in compliance, the Department shall issue the Authority to Construct and mail the form in duplicate to the address indicated on the application.
  1. A copy of the Authority to Construct shall be posted at the facility during construction so that it is accessible for Department review.
  2. Construction of a stage II vapor recovery system or equipment at a site not having an approved Authority to Construct, shall be stopped and no further installation work shall be done until an Authority to Construct is approved, unless the Authority to Construct is approved within 7 days.
- C. The Department may deny Authority to Construct for any of the following reasons:
  1. Providing false or misleading information, or
  2. Failure to meet the requirements stated in this Article.
- D. If excavation is involved, the Department may visually inspect the stage II underground piping of gasoline dispensing sites that have been issued an Authority to Construct, before the pipeline is buried, for compliance with submitted plans and conditions contained in the Authority to Construct. The owner or operator of a gasoline dispensing site shall give the Department at least 2 days' notice by facsimile of the time when underground piping will be complete. The Department may require the owner to excavate all piping not inspected before burial if the owner or operator has not given the required 2 days' prior notice.
- E. Upon completion of construction, a gasoline dispensing site with a valid Authority to Construct may dispense gasoline for up to 90 days before final approval providing a final inspection has been scheduled in accordance with R20-2-905.
- F. An Authority to Construct expires 1 year from the date of issuance or the completion of construction, whichever is sooner.

**Historical Note**

Emergency rule adopted effective November 23, 1992,

pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-904 recodified from R4-31-904 (Supp. 95-1). R20-2-904 renumbered to R20-2-903; new Section R20-2-904 renumbered from R20-2-905 and amended effective October 8, 1998 (Supp. 98-4).

#### **R20-2-905. Inspection and Testing**

**A.** Within 10 days after beginning the dispensing of gasoline, the owner or operator shall provide the Department with a written certification of completion by the contractor and arrange scheduling of an inspection that shall include tests and acceptance criteria specified in the Authority to Construct. The inspection shall be at a time approved by the Department and include the following as they pertain to the specific vapor recovery system installed:

1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
2. A pressure decay test procedure for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. The Department may fail the pressure decay test at a gasoline dispensing site if gasoline storage tanks have less than 10% or greater than 60% vapor space. The Department shall compute combined tank vapor space for manifolded systems;
3. Determination of communication from dispenser to tanks for each product, using the Department's test procedure;
4. Determination, by volume meter, of air to liquid volume ratio of vapor recovery systems, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;
5. Test procedures, other than static pressure or pressure decay tests, that are part of the CARB certification for each specific system;
6. Determination of spillage of Phase II vapor recovery systems, using the CARB TP-201.2C procedure;
7. Determination of liquid removal of Phase II vapor recovery systems, using the CARB TP-201.6 procedure;
8. Determination of flow vs. pressure for equipment in Phase II vapor recovery systems, using the CARB TP-201.2B procedure;
9. Procedures specified by a manufacturer for testing its equipment; and
10. Tests required by the Department using Department-owned testing equipment to verify test results. If there is a difference between test results, Department test results shall be determinative.

**B.** If an owner or operator cancels an inspection test, the owner or operator shall reschedule the inspection test to a date before the annual inspection date or the Department's scheduled deadline for corrective action, whichever applies. The Department may take enforcement action if an owner or operator fails to timely reschedule the inspection test.

**C.** If the site fails to pass any of the tests required pursuant to this Article, the owner or operator shall make necessary repairs and adjustments in the time specified by the Department. The owner or operator shall also submit to the Department a reinspection fee and shall reschedule with the Department by mail or facsimile a time for repeat tests to be witnessed by the Department.

**D.** If the deficiencies are not corrected by a deadline set by the Department, the Department may issue a DWM-53.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-905 recodified from R4-31-905 (Supp. 95-1). R20-2-905 renumbered to R20-2-904; new Section R20-2-905 adopted effective October 8, 1998 (Supp. 98-4).

#### **R20-2-906. Fees**

**A.** The Authority to Construct plan review and approval fee is \$500.00.

**B.** The reinspection fee is \$300.00, and shall be charged each time:

1. The site fails to pass any of the required tests;
2. Testing personnel do not show up at the facility within 30 minutes after the scheduled time;
3. Within 30 minutes of arrival at the scheduled facility, the Department determines that the facility is not ready to test or cannot complete the test because of inadequate, or improperly installed or maintained equipment or inadequate vapor space in storage tanks; or
4. The owner or operator's testing contractor has not begun the stage II pressure decay test within 30 minutes of the beginning of the scheduled time and the Department defers testing to another time.

#### **Historical Note**

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-906 recodified from R4-31-906 (Supp. 95-1). R20-2-906 renumbered to R20-2-907; new Section R20-2-906 adopted effective October 8, 1998 (Supp. 98-4).

#### **R20-2-907. Operation**

**A.** The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.

**B.** The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.

**C.** The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment.

**D.** The owner or operator shall immediately stop using a Stage II vapor recovery system or component if 1 or more of the following system or component defects occur:

1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;

2. When more than 1/4 of the cone is missing for vapor assist systems having bellowless nozzles with flexible vapor deflecting cones;
  3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring 1 inch or more in length;
  4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
  5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
  6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;
  7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in the tip of the spout is loose;
  8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only 1 nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
  9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
  10. A dispenser mounted vacuum pump that is not functioning;
  11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
    - a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
    - b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
    - c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
    - d. Does not swivel at the hose/nozzle connection; or
    - e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
  12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
  13. The Stage I installation is not properly installed or maintained, in that:
    - a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
    - b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
    - c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
    - d. A fill tube is missing, not sealed, has holes, broken or damaged overflow preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;
  14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;
  15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
  16. An above-ground storage tank that does not display a permanently attached UL approval plaque;
  17. A vacuum assist system with an inoperative central vacuum unit;
  18. A vacuum assist system with an inoperative vapor processing (burner) unit;
  19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
  20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.
- E.** The owner or operator shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) and this Article.
- F.** For a stage II vacuum-assist vapor recovery system, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by facsimile no more than 1 day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within 5 days of the repair to the Department.
- G.** Proper operation of the stage I system, pursuant to A.R.S. 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H.** Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

#### Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-907 recodified from R4-31-907 (Supp. 95-1). R20-2-907 renumbered to R20-2-908; new Section R20-2-907 renumbered from R20-2-906 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-908. Training and Public Education

- A.** Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's



specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and documentation to the Department on request.

- B.** In addition to the information required in A.R.S. § 41-2132(F), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

#### Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-908 recodified from R4-31-908 (Supp. 95-1). R20-2-908 renumbered to R20-2-909; new Section R20-2-908 renumbered from R20-2-907 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-909. Recordkeeping and Reporting

- A.** The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to this Article.
- B.** The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage II equipment.
- C.** The owner or operator of a gasoline dispensing site that is exempt from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall within 6 months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D.** An owner or operator shall keep all records required by this Article at the gasoline dispensing site for at least 1 year and shall make these records available to the Department upon request.

#### Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Section R4-31-909 adopted as an emergency rule permanently adopted and renumbered to R4-31-910, new Section R4-31-909 adopted effective August 31, 1993 (Supp. 93-3). R20-2-909 recodified from R4-31-909 (Supp. 95-1). R20-2-909 renumbered to R20-2-210; new Section R20-2-909 renumbered from R20-2-908 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-910. Annual Tests

- A.** The stage I and stage II tests required by A.R.S. § 41-2065(15)

are described in this Article. The owner or operator shall arrange these tests annually, with Department approval, to be completed by the annual test date. The annual test date is established on the date of the last annual test or a later date approved by the Department. The annual test shall be performed in the presence of a witness from the Department.

- B.** If the site fails to pass any of the tests required by subsection (A), the owner or operator shall make any necessary repairs or adjustments. The owner or operator shall submit the appropriate reinspection fee and reschedule with the Department by phone or facsimile a time for repeat tests to be conducted so that they may again be witnessed by the Department.
- C.** If an owner or operator's testing contractor has not begun the annual stage II pressure decay test within 30 minutes of the scheduled start time, the Department may defer testing to another time.

#### Historical Note

Section R4-31-910 renumbered from emergency rule R4-31-909 and permanently adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-910 recodified from R4-31-910 (Supp. 95-1). R20-2-910 renumbered to R20-2-912; new Section R20-2-910 renumbered from R9-2-909 and amended effective October 8, 1998 (Supp. 98-4).

#### R20-2-911. Compliance Inspections

In addition to the annual test, the Department shall conduct a compliance inspection of Stage I and Stage II vapor recovery installations at least annually. Compliance inspections shall be unannounced. If results of the compliance inspection reveal violations of A.R.S. Title 41, Chapter 15 or this Article, the Department may require the owner or operator to schedule a specific test as required in R20-2-910.

#### Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

#### R20-2-912. Enforcement

- A.** If the Department finds that stage II vapor recovery equipment at a gasoline dispensing site is defective or otherwise in violation of 1 or more of the provisions of this Article or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator a DWM-53. The order shall extend to all equipment at the site that has reduced vapor recovery performance due to a violation. A tag that is the subject of the order shall then be affixed to the equipment in public view. The owner or operator may be required to demonstrate that a Stage II vapor recovery system meets the 95% effective level by conducting 1 or more of the tests specified in this Article before the equipment may be placed-in-service.
- B.** The owner or operator of a gasoline dispensing site that has been issued a DWM-53 pursuant to subsection (A) may request an informal review of the order by making a request in writing to the Department within 10 days of the order. Notice of the time and place of the informal review shall be mailed to the owner or operator at least 5 days prior to the informal review. Disposition of the informal review shall be mailed to the owner or operator within 5 days after conclusion of the informal review. Unless the order is vacated by the Department, or the equipment is reauthorized for use by the Department, the DWM-53 shall remain in effect during these proceedings.
- C.** The Department may impose civil penalties for stage I and stage II violations pursuant to A.R.S. § 41-2115.

#### Historical Note

Section R20-2-912 renumbered from R20-2-910 and amended effective October 8, 1998 (Supp. 98-4).

